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REPORT
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THE FISCAL YEAR 1990 FOREIGN RELATIONS AUTHORIZATION ACT

JUNE 12 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Filed under authority of the order of the Senate of June 8 (legislative day, January 3), 1989

Mr. PELL, from the Committee on Foreign Relations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1160]

The Committee on Foreign Relations, having had under consideration an original bill to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes, reports favorably thereon and recommends that the bill do pass.

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Purpose of the Bill

The principal purpose of this bill is to authorize fiscal year 1990 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting within the constraints imposed by the budget summit agreement reached between the Congress and the Executive branch.

Committee Comments

I. SUMMARY OF FUNDING PROVISIONS

The committee bill authorizes $4,666,475,000 for the State Department, the United States Information Agency, the Board for International Broadcasting, and other programs and obligations. The chart below shows the breakdown among these various authorization levels.

FOREIGN RELATIONS AUTHORIZATION

[In thousands of dollars]

	Fiscal year—			
	1990 authorization request	1989 appropriation enacted	1990 SFRC recommend	1990 recommend versus fiscal year 1989 enacted appropriation
State Department	3,533,793	2,989,582	3,329,735	340,153
USIA	949,245	882,362	920,050	37,688
BIB	425,175	227,900	398,247	70,347
Other			18,443	
Total	4,908,213	4,099,844	4,666,475	548,188

II. DEPARTMENT OF STATE

This bill authorizes $3,329,735,000 for the Department of State, an increase of $340,153,000 from the FY 1989 appropriated level. The largest single spending account in the State Department budget is for the "Administration of Foreign Affairs." The committee authorized $2,036,324,000 for this account.

The Salaries and Expenses account for both regular State Department operations and the Diplomatic Security Program constitutes the largest spending caregory within the administration of Foreign Affairs account. The committee authorized $1,795,552,000 for this category, an increase of $24,214,000 from the FY 1989 appropriated level. The State Department's 1990 "Budget in Brief" shows that a current services budget for all Salaries and Expenses item would be $1,781,052,000. The committee authorization of $310,365,000 for the Diplomatic Security component of the Salaries and Expenses account constitutes a current services budget. The committee authorization of $1,485,187,000 for non-security salaries and expenses is designed to support three programs beyond a current services budget.

In addition to funding for current services, the committee authorization for non-security salaries and expenses is designed to provide $15,000,000 for the Department of State Telecommunications System (DOSTN), $7,000,000 for the Beltsville Information Management Center, and $4,500,000 for administrative support for the 1990 Economic Summit that will be hosted by the United States. These new programs total $26,500,000. The committee authorization does not, however, envision funding for the diplomatic security portion of the Foreign Service Institute, thus reducing the current services funding for the Institute by $12,000,000. In sum, the committee authorization provides $1,795,552,000 for all salaries and expenses, a net increase of $14,500,000 above a current services budget, taking into account the reduction described above for the Foreign Service Institute.

The "Acquisition and Maintenance of Buildings Abroad" is the second largest item in the "Administration of Foreign Affairs" account. Because of the very tight budget situation, the committee was unable to provide authorizations for many of the new capital programs proposed by the Department of State. Those new capital projects will have to be deferred. All line-item authorization levels for the State Department are listed on the chart below.

FISCAL YEAR 1990 AUTHORIZATION REQUEST—DEPARTMENT OF STATE

	Fiscal year—			
	1989 appropriation enacted	1990 authorization request	1990 SFRC recommendation	1990 recommended versus 1989 enacted appropriation
Administration of foreign affairs:				
Salaries and expenses—non-security	$1,471,338	$1,518,515	$1,485,187	$13,849
Salaries and expenses—securtiy	300,000	316,995	310,365	10,365
Subtotal, S&E	1,771,338	1,880,510	1,795,552	24,214
Office of Inspector General	17,662	18,672	18,672	1,010

FISCAL YEAR 1990 AUTHORIZATION REQUEST—DEPARTMENT OF STATE—Continued

	Fiscal year—			
	1989 appropriation enacted	1990 authorization request	1990 SFRC recommendation	1990 recommended versus 1989 enacted appropriation
Acquisitions and maintenance of buildings abroad	240,021	348,100	218,900	−21,121
Representation allowances	4,590	4,600	4,600	10
Protection of foreign missions and officials	9,100	9,100	9,100	0
Emergencies in the Diplomatic and Consular Service	4,500	4,700	4,700	200
American Institute in Taiwan	10,890	11,300	11,300	410
Subtotal, administration of foreign affairs	2,058,101	2,276,982	2,036,324	−21,177
International organizations:				
Contributions to international organizations	485,940	714,927	714,927	228,987
Contributions to international peacekeeping activities	29,000	111,184	111,184	82,184
International conferences and contingencies	6,000	6,340	6,340	340
Subtotal, international organizations	520,940	832,451	832,451	311,511
International commissions:				
International boundary and water commissions—S&E	10,261	10,460	10,460	199
International boundary and water commissions—construction	3,166	11,500	11,500	8,334
American sections: IBC	734	750	750	16
American sections: IJC	3,582	3,750	2,750	168
International Fisheries Commissions	10,548	11,000	11,000	952
Subtotal, international commissions	28,291	37,460	37,460	9,169
Other programs:				
U.S. bilateral S&T agreements	2,000	4,000	4,000	2,000
Soviet/East European research	4,600	4,600	5,000	400
The Asia Foundation	13,700	8,300	18,000	4,300
Subtotal, other programs	20,300	16,900	27,000	6,700
Migration and refugee assistance	361,950	370,000	370,000	8,050
Total, Department of State Authorization	2,989,582	3,533,793	3,329,735	340,153

III. UNITED STATES INFORMATION AGENCY

A. Funding

This bill authorizes $920,050,000 to fund the operations of the United States Information Agency. As with the State Department authorization figures, the committee sought to meet the budget summit targets by funding the current ongoing operations of the USIA while deferring most construction accounts and most new programs.

B. Educational and cultural exchange programs

The USIA budget has three principle components: the Educational and Cultural Exchange Programs; the Voice of America; and, the Public Affairs Programs represented principally by the Foreign Service personnel serving overseas and their support apparatus in Washington. With regard to the exchange programs, the committee believes a substantial increase is merited for these extremely effective programs. However, given funding constraints, the committee was able to provide only slight enhancements for the Fulbright

academic program and a more significant increase in the very small arts program. Other exchange programs were funded at the FY 1989 appropriation level.

In connection with the arts, the committee notes that the United States spends far less on American fine and performing arts abroad than do our principal allies or the Soviet Union. The committee notes that the total budget currently available to assist tours of American performing arts companies to China and Japan, respectively the world's most populous country and the second largest economy, is a mere $200,000. As a result, USIA was unable to provide even $100,000 to support a recently proposed tour by the Joffrey Ballet to China. The committee expects that the increase of $3,143,000 in the Arts America Program will permit USIA to do more to promote the rich artistic tradition of the United States.

The bill also includes language to protect the academic and artistic freedom of participants in the Fulbright and Humphrey Exchange Programs.

C. The Voice of America

The bill funds the Voice of America at the current year's level. The end of jamming in the Soviet Union and Eastern Europe, combined with political liberalization in the U.S.S.R. and certain East European countries, enhances the accessibility and the importance of VOA broadcasts. The new openness of Soviet bloc media provides the first real competition to Western broadcasts; it is therefore even more important that the VOA work to be certain its programs are accurate and interesting.

The VOA has played a critical role in the unfolding events in China. The students of the democracy movement report that the VOA provided the best coverage of the events in China. The committee commends the VOA China Service and the VOA reporters in China for their outstanding work. In the aftermath of the brutal crackdown on the democracy movement, the committee urges the VOA to sustain or increase its broadcasting to China and its coverage of events in China. The committee notes that, once jamming of VOA began, the VOA was able to utilize the USIA-leased satellite system to continue coverage of events in China.

The bill also mandates the VOA to initiate broadcasts in Tibetan. Because of Chinese censorship and Tibet's remote location, it is hard for the people of Tibet to get reliable news of events in Tibet, in China, or in the outside world. The Tibetan service should help fill this gap and should be a source of comfort to the people of Tibet in their struggle for freedom and fundamental human rights. In addition, the Tibetan service should help contribute to the survival of the Tibetan language, which is not currently used in broadcasts.

D. Americans abroad

The committee considers the USIA officer in the field to be the most vital component of U.S. public diplomacy. The committee is concerned that in the last eight years the number of USIA employees in Washington has increased by 25 percent while the number of American employees serving overseas has actually declined. Currently there are four American employees in Washington for every

American stationed abroad. The committee believes the most important work of a foreign affairs agency is abroad and therefore strongly urges that any reductions in staffing be made in Washington and that the foreign postings be increased.

E. Worldnet

This bill reauthorizes USIA's television service, known as Worldnet. In years past, the committee has expressed skepticism about Worldnet and about USIA's claims for its viewership. Two years ago, the Director of USIA protested strongly against the committee's criticisms and asserted that Worldnet's viewership in Europe was in the vicinity of 20 million. The Congress mandated that an independent survey of Worldnet's European viewership be conducted. This survey found that Worldnet had just 200,000 viewers, or one percent of the USIA claim. Because Worldnet did not meet the statutory threshold of 2 million viewers, USIA was required to suspend its production and acquisition of non-interactive programming as of October 1, 1988.

Since the suspension, USIA has rethought the mission of Worldnet, and in light of the revised mission, the committee has lifted the suspension. USIA no longer envisions Worldnet as a separate U.S. Government network (analogous to the VOA) but instead wants to operate it as a satellite delivery system for video material. The committee believes this approach is far more sound than a network that demonstrably had few viewers. The committee has authorized Worldnet programming consisting of short news clips on current events that then are reused by local broadcasters. In addition, Worldnet is authorized to cover U.S. policy pronouncements (e.g. Presidential speeches, White House and State Department news conferences) as well as congressional activities.

The committee believes USIA television should use material prepared by U.S. public and commercial television instead of material produced by USIA, whenever such public or commercial programming on the same subject is available at a reasonable cost. The committee has great confidence in the American free enterprise system, which has produced some of the best television available in the world. The committee believes it is inherently difficult for any government entity to produce programs as interesting as those produced privately, and especially given that the public affairs budgets for the commercial and public television networks far exceed that of USIA.

The new format for Worldnet reflects the administration's request with one exception. The committee did not grant Worldnet the authority to produce programs on American culture. The committee believes there are many programs in this area available from commercial and public television at lower cost and higher quality than those which the U.S. Government could produce.

The committee believes that television is the international communication medium of the future and, as such, did not set a funding level for Worldnet. Rather, it shifted additional funds to the Salaries and Expenses account of USIA sufficient to fund Worldnet at about the level requested by the administration, should it decide to do so.

The committee notes that the U.S. free enterprise system is already providing news and information to the developed and developing world. Cable News Network (CNN) now reaches 140 million television sets in 70 countries, including many parts of the developing world. Unlike the Worldnet service, the CNN service is a commercial venture, therefore making its global penetration more impressive. The committee bill directs USIA to encourage access to foreign markets by commercial and public television networks, while recognizing that gaps in commercial and public telecasts may offer opportunities for Worldnet to generate programs that would otherwise not be aired.

SUMMARY TABLES FISCAL YEAR 1990 USIA AUTHORIZATION REQUEST

	Fiscal year—			
	1990 authorization request	1989 appropriation enacted	1990 SFRC recommend	1990 recommend versus fiscal year 1989 appropriation enacted
Title II—U.S. Information Agency:				
Salaries and expenses	$447,290	$414,148	$440,000	+$25,852
Seville World's Fair	10,000	0	4,000	4,000
Educational and cultural exchanges:				
Fulbright Academic Exchanges	93,238	90,270	98,000	+7,730
Samantha Smith Program	2,000	2,000	2,000	0
International Visitor Exchanges	41,817	40,440	40,400	−40
Hubert H. Humphrey Fellowships	5,195	5,000	5,500	+500
Congress-Bundestag Exchanges	2,500	2,500	2,500	0
Institute for Representative Government	0	540	0	−540
Citizen Exchange Programs [1]	8,250	9,290	11,900	+2,610
Edward Zorinsky Library	0	100	150	+50
Arts America	4,649	4,657	7,800	+3,143
Youth Exchange [2]	3,770	3,761	0	−3,761
Salaries and expenses, other	27,801	27,957	28,376	+419
Subtotal, educational and cultural exchanges	189,220	186,515	196,626	+10,181
Voice of America:				
VOA operations	170,235	169,724	169,724	0
Radio construction	89,000	65,000	36,000	−29,000
Radio broadcasting to Cuba	12,700	11,175	12,000	+825
Subtotal, Voice of America	271,935	245,899	217,724	−28,175
Other programs:				
National Endowment for Democracy	15,800	15,800	25,000	+9,200
East-West Center	20,000	20,000	20,700	+700
Subtotal, other programs	35,800	35,800	45,700	+9,900
Title VII—Television broadcasting to Cuba:				
Operating expenses		0	16,000	+16,000
Subtotal, television broadcasting to Cuba		0	16,000	+16,000
Total, authorization bill for USIA	949,245	882,362	920,050	+37,688

[1] The Citizen Exchange Programs were formerly the Private Sector Programs.
[2] Youth Exchange Programs are included in the recommendation for the Office of Citizen Exchanges.

IV. BOARD FOR INTERNATIONAL BROADCASTING

The committee authorized $398,247,000 for the Board for International Broadcasting, an increase of 75% over the FY 1989 appropriated level. Of this sum, $194,000,000—or 72% of the increase—was authorized for the new relay station being built in Israel.

The committee also authorized $23,917,000 for the modernization of the RFE/RL transmitting station in Maxoquiera, Portugal. The BIB budget request to the committee notes that "the conversion of the RFE/RL's site in Maxoqueira from an obsolete receiving station to a transmitting facility will provide significant advantages for both RFE and RL." The BIB requested that the funds be authorized "to complete the conversion of the Maxoquiere site."

Finally, the committee authorized $180,330,000 for the administrative expenses of the BIB and the operating expenses of RFE/RL. The station is intended to enhance the capacity to deliver a reliable signal into the USSR's Central Asian Republics, Eastern Europe, the sub-Saharan region, and South Asia. The station is expected to transmit program materials in 29 languages to the targeted regions.

FISCAL YEAR 1990 AUTHORIZATION REQUEST—BOARD FOR INTERNATIONAL BROADCASTING

[In thousands of dollars]

	Fiscal year—			
	1990 authorization request	1989 appropriation enacted	1990 SFRC recommend	1990 recommend versus fiscal year 1989 enacted appropriation
Administrative expenses	1,600	1,305	1,600	295
Grants to RFE/RL, Inc.:				
Operating expenses	188,730	190,795	178,730	−12,065
Transmitter modernization	27,845	22,800	23,917	21,117
Relay station in Israel	207,000	33,000	194,000	161,000
Total	425,175	227,900	398,247	170,347

V. INTERNATIONAL ORGANIZATIONS

This bill authorizes the payment of the full U.S. contribution to the United Nations and its specialized agencies for calendar year 1990. In addition, the committee fully funds the President's request for U.N. peacekeeping and authorizes the monies necessary for President Bush's program of phased repayment of U.S. arrearages to the United Nations. The committee also adopted language by Senator Kassebaum to encourage the United Nations to continue its reform effort. The committee believes the United Nations and specialized agencies are critical to U.S. foreign policy and national security objectives. The committee believes the funding and reform language in the bill will contribute to a more effective U.S. role in the U.N. and to a strengthened United Nations.

Events over the last 18 months have underscored the critical role of the United Nations and other international organizations to U.S. foreign policy. In April 1988, the U.N.-sponsored negotiations on

Afghanistan produced an agreement providing for the withdrawal of all Soviet forces from that country. Pursuant to that agreement the last Soviet soldier crossed the Afghan-Soviet border on February 15, 1989, thus ending a brutal military occupation that left over one million Afghans dead and five million in exile as refugees.

The United Nations had another major success in June 1988 when Iran accepted Security Council Resolution 598 providing for a ceasefire in the Iran-Iraq War. When the ceasefire took effect on August 20, 1988, it suspended a conflict that had lasted nearly eight years making it the bloodiest and longest lasting war since World War II. One immediate tangible benefit for the United States of the ceasefire was a dramatic reduction in the threat to U.S. shipping and naval vessels in the Persian Gulf. These threats had already cost the United States 37 dead in the Stark incident and an annual cost of some $300 million in expenses associated with the protection of the reflagged Kuwaiti oil tankers. Over the long-term the United Nations peacemaking in the Persian Gulf should help bring greater stability to a region that is vital to U.S. security interests.

In December 1988, South Africa, Angola, and Cuba concluded a settlement which provides independence for Namibia and thereby terminates South Africa's illegal occupation. U.N. Security Council Resolution 435 provides for free and fair elections and mandates the withdrawal of Cuban troops from neighboring Angola. U.N. peacekeeping forces are to assist in the implementation of the peace settlement.

The success of U.N. peacemaking has been matched by significant progress toward meeting Congressionally inspired requirements for budgetary and administrative reform. Budgets for the U.N. and its specialized agencies are the product of consensus-based decisionmaking, which gives the United States and other major donors a veto over new programs. The U.N. has also made progress in reducing its top-heavy administrative apparatus. The Soviets have now agreed to limit their practice of seconding officials from the Soviet Government into the international civil service.

United Nations budgetary and administrative reforms reflected a bargain between the United States and the United Nations. The essential feature of the bargain was that if the U.N. undertook the necessary reforms, they the United States would pay its current and back dues. The committee believes that the United Nations is fulfilling its part of the bargain; the United States must now do its part. A failure to meet our current and past obligations to the United Nations and its specialized agencies would almost certainly undermine the reform program.

U.S. failure to pay could undo critical U.N. peacemaking initiatives in the Persian Gulf, Southern Africa, and elsewhere. Payment of our current and past assessments is vital to the national security interests of the United States; these funds will also contribute to a more peaceful world.

VI. GLOBAL ENVIRONMENTAL ASSISTANCE ACT OF 1989

Title VI of the bill incorporates important environmental measures that underscore the Committee's belief that the United States must be a world leader in international environmental protection efforts, both on a bilateral and multilateral basis.

The committee bill authorizes the Administrator of the Agency for International Development to provide grants to non-governmental organizations for the purpose of participating in "debt-for-nature exchanges." In simplified form, these exchanges allow a private conservation group to purchase a country's commercial debt on the open market, usually at a steep discount from the face value of the debt, and offer that debt to the host government in exchange for a long-term financial or policy commitments from the government in support of a particular project. By reducing a country's debt burden and increasing support for local conservation efforts, debt-for-nature exchanges benefit both the environment and the host government.

Although debt-for-nature exchanges are not expected to fully relieve the debt burden shouldered by many countries, the committee nevertheless believes debt-for-nature exchanges are valuable tools to increase support for environmental projects in developing countries.

To avoid concerns that have been raised about sovereignty issues in connection with debt-for-nature swaps, the committee's bill specifically prohibits the United States from accepting title or claim to any lands in a foreign country. Further, the bill reflects the committee's belief that a strong element of local support is necessary for the long-term success of debt-for-nature exchanges.

In order to maximize the effectiveness of resources used in debt-for-nature exchanges, the committee's bill allows conservation groups to retain the interest earned from bonds issued as part of debt-for-nature swaps. This provision makes it clear that interest from the bonds issued as part of debt-for-nature swaps do not have to be returned to AID or the Treasury, as required under current law, if used for approved program purposes. Interest for such bonds plays a crucial role in providing ongoing financial support for conservation groups and projects in the host country.

In addition to promoting an innovative approach to environmental protection within the context, of the U.S. bilateral foreign assistance program, the committee believes that U.S. leadership is crucial in promoting incorporation of environmental considerations in the foreign assistance programs of other major donor nations. To this end, the committee's bill calls for negotiations with our partners in the Organization for Economic Development and Cooperation on a coordinated approach to global warming, tropical deforestation, sustainable development, and biological diversity through bilateral assistance programs.

Finally, the committee believes that it is essential for the United States to support international environmental treaties and conventions. Past failures to pay dues to such organizations as the Convention on International Trade in Endangered Species of Wild Fauna and Flora have called into question the United States commitment to these agreements. The Committee bill authorizes

$1,511,000 to meet U.S. obligations for dues and arrearages to four major organizations and conventions.

Foreign relations authorization fiscal year 1989 other programs

	FY 1990 SFRC recommend
Inter-American Foundation	$16,932
Environmental organizations and conventions	1,511
Total	18,443

VII. TELEVISION BROADCASTING TO CUBA ACT

The committee, by voice vote, accepted Senator Mack's compromise substitute of the Chairman's mark to authorize the establishment of TV Marti. Senator Mack's modification of his bill, S. 375 partially accommodated the Chairman's concerns regarding protection of domestic broadcasters from possible interference from the TV Marti signal and formed the basis of the compromise.

Title VII, as passed, authorizes the Federal Communications Commission (FCC) to allocate the frequency for TV Marti in accordance with the procedures established in the Communications Act of 1934, as amended. In using the term "the most practicable and efficient," in reference to the allocation of the frequency, the committee intends for the FCC to select a suitable channel. In stating that no such allocation shall result in objectionable interference as applied under the rules, the committee is referring to established technical criteria used by the FCC in predicting interference. The FCC also is required to continually monitor the transmission of TV Marti, periodically report to the Congress, and suspend TV Marti, through the National Telecommunications and Information Administration (NTIA), if objectionable interference with the broadcasting of any incumbent broadcast licensee cannot be remedied.

Under the established process, the NTIA, upon notification of objectionable interference by the FCC, will take immediate action. TV Marti will have 72 hours to eliminate the interference. In order to attempt to overcome the interference, the FCC is authorized to take appropriate actions to assist domestic licensees, including permission for the domestic television stations to boost their radiated power. Under the compromise substitute language, a licensee broadcasting a television signal as of January 1, 1989, cannot be compelled to change its frequency in order to eliminate objectionable interference. The committee expects that the FCC will monitor television broadcasting to Cuba at such regular intervals as are necessary to establish the presence or absence of interference.

The committee provision also requires that no funds will be appropriated until the President determines and notifies the Speaker of the House and the Chairman of the Committee on Foreign Relations that the test of TV Marti, scheduled to begin in November 1989, has demonstrated that it is feasible and will not cause objectionable interference that cannot be eliminated through the above described means. Thirty days before the President makes the determination, he will submit a report to the Congress, containing the findings of the test. The original 90-day test may be extended up to 30 additional days if needed in order to give the President and the

Congress an adequate test period upon which the determination will be made.

The compromise adopts the language in Senator Pell's proposal which incorporates TV Marti into the Advisory Board structure established for the Voice of America's Cuba Service, denoting it the Advisory Board for Cuba Broadcasting. The compromise underscores that television broadcasting to Cuba must be operated in accordance with Voice of America standards to ensure programing that is objective, accurate, balanced, and representative of a wide variety of views.

Finally, the committee bill requires that TV Marti operate in a manner that is consistent with international law and does not supercede U.S. obligations under international law.

Committee Action

The following bills were referred to the Foreign Relations Committee and some or all of their provisions were consolidated into an original bill:

S. 808, to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes, which was introduced by Senator Pell by request of the executive branch on April 17, 1989;

S. 809, to authorize appropriations for fiscal years 1990 and 1991 for the United States Information Agency, and for other purposes, which was introduced by Senator Pell by request of the executive branch on April 17, 1989;

S. 810, to amend the Board for International Broadcasting Act of 1973 to authorize appropriations for fiscal years 1990 and 1991 for carrying out that act, which was introduced by Senator Pell by request of the executive branch on April 17, 1989;

S. 928, a bill introduced by Senator Pell to authorize appropriations for fiscal year 1990 for the Department of State, United States Information Agency and the Board for International Broadcasting, and for other purposes.

The Foreign Relations Committee held two hearings on the above legislation:

April 18, 1989—Secretary of State Baker testified on the Administration's requests for the State Department and foreign assistance authorization bills;

May 4, 1989—USIA Director Bruce Gelb testified on the Administration's request for USIA Authorization for FY 1990 and 1991.

The committee also received written testimony from Malcolm Forbes, the Chairman of the Board for International Broadcasting.

On May 9, 16, 17, and 18, the committee met to mark up a bill. On May 18, the committee voted to close off the legislative portion of the State Department Authorization bill by voice vote and agreed to reconvene after the Memorial Day recess to complete action on the funding levels of the bill. On June 8, the committee voted to report favorably an original bill. The vote was a voice vote with Senators Sarbanes, Cranston, Dodd, Sanford, Helms, Lugar, Kassebaum, Boschwitz, Pressler, McConnell, and Pell present and constituting a quorum.

During the course of the four-day markup the following recorded votes were taken:

On May 17, an amendment offered by Senator Dodd requiring that any joint resolution of disapproval on a Presidential narcotics certification be treated as privileged on the Senate floor after it has been reported by the appropriate committee, thereby conforming this committee's consideration to procedures applicable under current law to all other committees, was adopted, 13–2. Ayes: Senators Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Moynihan, Robb, Lugar, Kassebaum, Murkowski, McConnell, and Pell. Nays: Senators Helms and Pressler.

On May 18, an amendment offered by Senator Helms to require the filing of a financial report by those serving on the President's Foreign Intelligence Advisory Board (PFIAB) was adopted 16–1. Ayes: Senators Sarbanes, Cranston, Dodd, Simon, Sanford, Moynihan, Robb, Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, McConnell, Humphrey, and Mack. Nays: Senator Pell.

On May 18, an amendment offered by Senator Pell as a substitute for an amendment proposed by Senator Helms was defeated 7–11. The Helms amendment prohibited funds to any U.N. agency which gave the Palestine Liberation Organization membership status. The Pell substitute provided an exemption for the nuclear proliferation portion of the IAEA Safeguards Program. Ayes: Senators Biden, Cranston, Kerry, Simon, Sanford, Moynihan, and Pell. Nays: Senators Sarbanes, Robb, Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, McConnell, Humphrey, and Mack.

On May 18, an amendment offered by Senator Helms expressing the sense of the Congress that a naturalized ambassador or Foreign Service Officer should not be assigned to her/his country of origin or, if married to a foreign born spouse, the country of origin of the spouse was defeated 2–11. Ayes: Senators Helms and Pell. Nays: Senators Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Moynihan, Robb, Lugar, Boschwitz, and McConnell.

On June 8, an amendment offered by Senator Helms to provide full funding for the relay station in Israel was divided into two paragraphs, and each subjected to a roll call vote. Part (a), authorizing $161,000,000 for the construction of a relay station in Israel, was adopted, 17–0. Ayes: Senators Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Moynihan, Robb, Helms, Lugar, Boschwitz, Pressler, McConnell, Humphrey, Mack, and Pell. Part (b), providing that the authorization for international organizations be decreased by $161,000,000 in order to offset the increase in authorization for the relay station was defeated, 5–12. Ayes: Senators Helms, Pressler, McConnell, Humphrey, and Mack. Nays: Senators Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Moynihan, Robb, Lugar, Boschwitz, and Pell.

SECTION-BY-SECTION ANALYSIS

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS; RESTRICTIONS

Section 101—Administration of Foreign Affairs

This section authorizes the appropriation of $2,036,324,000 for fiscal year 1990 for the account entitled "Administration of Foreign Affairs" to carry out the authorities, functions, and responsibilities of the Department of State in the conduct of foreign affairs.

Subsection (1) authorizes $1,485,187,000 to provide for the salaries and expenses not related to the Diplomatic Security program. The committee authorization level is designed to accommodate the following programs beyond a current services budget: $15,000,000 for the Department of State Telecommunications System; $7,000,000 for the Beltsville Information Management Center; and $4,500,000 for administrative support for the Economic summit that will be hosted by the United States in 1990. The committee does not provide any authority for appropriations to construct the diplomatic security portion of the new Foreign Service Institute.

Subsection (2) authorizes $310,365,000 for salaries and expenses for the Diplomatic Security program. This is a current services budget.

Subsection (3) authorizes $18,672,000 for the Office of the Inspector General.

Subsection (4) authorizes $218,900,000 for the Acquisition and Maintenance of Buildings Abroad. Given the tight budget situation and the budget summit agreement between the Congress and the Executive, the committee did not authorize any funds for new buildings programs.

Subsection (5) authorizes $4,600,000 for Representational Allowances.

Subsection (6) authorizes $9,100,000 for the Protection of Foreign Missions and Officials.

Subsection (7) authorizes $4,700,000 for Emergencies in the Diplomatic and Consular Service.

Subsection (8) authorizes $11,300,000 for the American Institute in Taiwan.

Section 102—Contributions to international organizations and conferences

This section provides for the authorization of appropriations for fiscal year 1990 of the annual U.S. assessed contributions to over 40 international organizations of which the United States is a member pursuant to treaties, conventions, or Acts of Congress. These organizations include the United Nations and its specialized agencies, Inter-American organizations, and other regional, legal, research, scientific, and commodity organizations through which the United States carries out a range of foreign policy activities.

Subsection (a)(1) authorizes $714,927,000 for the U.S. Contributions to International Organizations. This level provides the authority to fully fund the U.S. assessed contribution to international

organizations. It also provides authority for funds for the first year of President Bush's multil-year plan to pay U.S. arrearages to the United Nations.

Subsection (a)(2) authorizes $111,184,000 for U.S. Contributions for International Peacekeeping Activities.

Subsection (a)(3) authorizes $6,340,000 for International Conferences and Contingencies.

Subsection (b), as proposed by Senator McConnell, provides that of the amounts to be authorized pursuant to subsection (a), $1,249,000 for FY 1990 shall be available only for the South Pacific Commission.

Section 103—International commissions

Section 103 authorizes appropriations for the international commissions account to fulfill U.S. international obligations on international boundary and fisheries matters. It should be noted that these programs are authorized in this bill, but are not included in the Function 150 foreign affairs budget account.

Subsection (1) authorizes $10,460,000 for the salaries and expenses of the U.S.-Mexico International Boundary and Water Commission.

Subsection (2) authorizes $11,500,000 for the construction projects of the U.S.-Mexico International Boundary and Water Commission.

Subsection (3) authorizes $750,000 for the International Boundary Commission, United States and Canada.

Subsection (4) authorizes $3,750,000 for the International Joint Commission, United States and Canada.

Subsection (5) authorizes $11,000,000 for 12 International Fisheries Commissions.

Section 104—Migration and refugee assistance

This section authorizes $370,000,000 for Migration and Refugee Assistance. It also earmarks $25,000,000 of this amount for assistance for refugees resettling in Israel. The Committee recognizes the continued interest in this program, which has allowed Jewish refugees to resettle and receive the necessary training in language and other skills to adapt to life in Israel.

Section 105—The Asia Foundation and other programs

Subsection (a) authorizes $18,000,000 for the Asia Foundation, as proposed by Senators Cranston and Lugar.

Subsection (b)(1) authorizes $4,000,000 for U.S. Bilateral Science and Technology Agreements.

Subsection (b)(2) authorizes $5,000,000 for Soviet/East European Research, as proposed by Senators Simon and Pell.

Section 106—Availability of funds

This provision, requested by the Administration, amends section 24 of the Department's Basic Authorities Act in a number of ways affecting the availability of funds for use by the Department.

Subsection (a)(2) allows deobligated balances in accounts under the heading "Administration of Foreign Affairs" to be transferred to the Department's Buying Power Maintenance Fund at any time of availability. This authority applies only to deobligations of expir-

ing balances and is not applicable to no-year funds. Once transferred, the balances could only be used for the purposes for which the Fund was established.

Subsection (a)(3) amends the State Department Basic Authorities Act to (1) allow earmarks within accounts to be reduced proportionately if the amount appropriated (or made available following sequestration pursuant to the balanced Budget and Emergency Deficit Control Act of 1985, as amended) is less than the amount of the authorization and (2) to provide authority for the Department to enter into 12-month contracts that bridge two fiscal years so long as funds are obligated within the fiscal year for which they were appropriated.

Subsection (b) specifies that subsection (a) applies only to funds appropriated for fiscal year 1987 and later. Furthermore, for fiscal years 1987 and 1988 funds, it applies only to funds deobligated after the date of enactment of this act.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

Section 111— Prohibition on solicitation of funds to further prohibited or restricted United States actions

This provision, offered by Senator Moynihan, makes it a criminal offense for a U.S. Government employee to solicit funds from a foreign government to promote a military, foreign policy, or intelligence objective expressly prohibited by U.S. law. This section also provides criminal penalties for any such offense.

Section 112—Prohibition on assisting third parties to further prohibited or restricted United States Government actions

This section, offered by Senator Moynihan, prohibits assistance to foreign countries if the purpose or effect of that assistance would be to further any military, foreign policy, or intelligence activity expressly prohibited by U.S. law.

Section 113—Authorization of certain operational activities

This provision, requested by the administration, amends section 13 of the State Department Basic Authorities Act to provide permanent authorization for several operational activities that have, in recent years, been reenacted annually in the Department's appropriations acts, including obligations assumed in West Berlin after World War II, provision of certain telecommunications services, and provision of maximum physical security in Government-owned and leased properties and vehicles abroad. With this permanent authorization, it will no longer be necessary to specify these activities each year in appropriations acts.

Section 114—Working capital fund for Office of Foreign Missions

This provision, requested by the administration, amends section 13 of the State Department Basic Authorities Act providing for use of the working capital fund to carry out Office of Foreign Missions functions. The provision makes it clear that the fund is available for all expenses directly related to carrying out the Foreign Missions Act. The current reference in section 13 to "services and sup-

plies" creates some confusion as to whether the fund can be used for the full range of functions carried out by the Office as provided in section 208(h)(3).

Section 115—Authority of Diplomatic Security Service

This administration request provides authority for agents of the Diplomatic Security Service to make arrests without warrants for offenses of passport or visa fraud. Under current law, in order for a special agent to make an arrest without a warrant for a felony violation not committed in his presence, two requirements must be met: the agent must have reasonable grounds to believe that such person has committed or is committing such a violation and, in addition, the person must be in or fleeing from the immediate area of the commission of the violation.

The requirement that an individual be in or fleeing from the area of the crime is not a condition of comparable arrest authorities; for example, the arrest authorities of the Secret Service, F.B.I., Bureau of Alcohol, Tobacco and Firearms, and the Drug Enforcement Administration do not contain such a requirement.

This restriction has proved to be particularly onerous for passport and visa offenses because the fraudulent act, such as the signing of a fraudulent passport or visa application, almost always occurs outside the presence of a Department special agent. This provision removes the requirement that the agent must be present at the scene of the felony and allows a special agent to make an arrest for passport and visa offenses without a warrant if the agent has reasonable grounds to believe that the person has committed or is committing such a violation.

Section 116—Fees and reimbursements

This administration request allows reimbursements and fees or surcharges received for the use of Blair House to be retained by the Department during fiscal years 1990 and 1991. Such funds would be available for use only for maintenance and other expenses of Blair House.

Section 117—Acquisition of domestic property as interim step to acquiring property abroad

This modified Administration request amends Title II of the State Department Basic Authorities Act, "Authorities Relating to the Regulation of Foreign Missions," to provide the Department authority to acquire and dispose of property in the United States as an interim step to acquiring diplomatic and consular property abroad. The authority to acquire and dispose of property in the United States would be vested in the Office of Foreign Missions. Any such acquisition would be paid for out of funds contained in the "Acquisition and Maintenance of Foreign Buildings Abroad" account, including the Foreign Service Buildings Fund.

This section also amends section 9 of the Foreign Service Buildings Act to provide that funds realized from the sale of any property acquired through use of funds made available under the "Acquisition and Maintenance of Foreign Buildings Abroad" account or the Foreign Service Buildings Fund will be retained in the Foreign Service Buildings Fund.

This Administration request has been modified in the Committee bill to ensure that: 1) The authority to acquire property in the United States for a property exchange is to be exercised only when the Secretary or his designee determines in a specific instance, i.e., an agreement with a specific country, that such an exchange is the best way to carry out the purposes of the Foreign Service Buildings Act, 1926; 2) that any such exchange shall benefit the United States at least to the same extent as the property acquired in the United States benefits the foreign government; and 3) that only those funds in the Acquisition and Maintenance of Buildings Abroad account and the Foreign Service Buildings Fund shall be used for the purchase of property.

Section 118—International center

This Administration request gives the Department explicit authority to charge tenant U.S. Government agencies for use of facilities located at the International Center. It also provides the Department authority to retain such payments in a no-year account for general maintenance, utilities, and operations and for major repairs and alterations of such facilities.

Section 119—International Boundary and Water Commission

This Administration request re-authorizes ongoing activities of the Commission. In addition, it provides several new authorities for the International Boundary and Water Commission: 1) authorization to handle flood emergencies resulting from floodwaters of the Tijuana or Colorado Rivers (in addition to those from the Rio Grande) and to cover certain emergencies dealing with sanitation problems and projects as well as flood-related problems; and 2) authorization to conduct technical and other investigations into the drainage of transboundary storm waters.

Section 120—Consular officer duties

This Administration request repeals 22 U.S.C. 4192 pertaining to the legal effect in the United States of marriages performed by consular officers abroad after the effective date of the Act. This provision dates back to 1860 when U.S. consuls had judicial powers in China and certain other countries. The amendment deleted this obsolete provision since marriages are no longer performed by consular officers.

Section 121—Access to criminal records

Subsection (1) and (2), are both Administration requests that amend 5 U.S.C. 9101 to grant the Department of State access to state and local criminal records for use in security clearance investigations on the same basis as the Department of Defense, the Office of Personnel Management, the Central Intelligence Agency, and the Federal Bureau of Investigation.

Subsection (3) provides this authority only so long as the Department of State provides no less than the existing procedural protections for applicants and employees during the security clearance process.

Section 122—State Department post offices abroad

This Administration request provides authority for the Department of State to provide postal service to posts abroad and to reimburse the United States Postal Service for costs incurred in transporting personal mail to such posts. Currently, American posts abroad rely on local mail service, supplemented in a number of instances by APO/FPO service. This new authority will enable the Department to provide similar service to a number of isolated posts where no APO/FPO service is available. The Department of State estimates that there will be no additional costs associated with this proposal.

Subsection (8) provides the authority for the State Department's new plan only so long as the new authority does not result in increased postal costs.

Section 123—Opening an American consulate in Bratislava

This provision expresses the sense of the Congress that the President should take all practicable steps to re-open the American consulate in Bratislava, Czechoslovakia.

Section 124—Construction of the United States Embassy in Ottawa

This section waives the requirement to grant a preference for U.S. contractors for the construction or renovation of the U.S. embassy in Ottawa. The waiver is granted because the Canadians used American contractors to build their embassy in Washington, D.C.

Section 125—Report on reorganization of the Department of State

This provision, offered by Senator Boschwitz, requires the Secretary of State to submit a report on the advisability of reorganizing its regional and functional bureaus. The report shall include, but not be limited to, an assessment of the advisability of establishing a Bureau of South Asian Affairs, two bureaus to cover the present responsibilities of the Bureau of Inter-American Affairs, an office of Diplomatic Security to be headed by an Under Secretary-level Director of Diplomatic Security, and an Office of Global Warming within the Bureau of Oceans, International Environment and Scientific Affairs.

The report shall also include an assessment of the advisability of transferring the jurisdictional responsibility for the Organization of American States from the Bureau of International Organizations to the Bureau of Inter-American Affairs, and of creating a high-level coordinator for United States policy toward Mexico.

Section 126—Establishment of a Latin American and Caribbean data base

This section, offered by Senator Dodd, provides authority for the continuation of $13,000,000 in funding for the development of Latin American and Caribbean Data Bases.

PART C—DIPLOMATIC IMMUNITY, RECIPROCITY AND SECURITY

Section 131—Exclusion of aliens previously involved in a serious criminal offense committed in the United States

The Department of State and the Department of Justice currently try to monitor those persons whose diplomatic immunity in the United States was revoked because they committed a serious criminal offense, but who subsequently seek to reenter the United States. These persons are barred from regaining their diplomatic immunities and privileges in the United States. However, under current law, should such individuals seek to reenter the United States in an unofficial capacity, such as a tourist or business visitor, they could not be denied a visa (for those countries where one is required) nor refused admission to the United States unless ineligible on other grounds specified in the Immigration and Nationality Act.

This administration request addresses this problem by allowing aliens to be denied visas or admission into the U.S. in those cases where there is reason to believe that an alien has committed a serious crime in the United States, the adjudication of which has been prevented by the exercise of immunity from criminal jurisdiction. The "reason to believe" standard applies pursuant to section 221(g) of the Immigration and Nationality Act, which provides that "no visa . . . shall be issued to an alien if . . . the consular officer knows or has reason to believe that such alien is ineligible to receive a visa or such documentation under section 212, or any other provision of law." This standard is further defined by regulation in 22 C.F.R. 41.90, which places the burden of proof on the applicant to establish that he or she is not ineligible to receive a non-immigrant visa under section 212 of the INA.

Subparagraph (B) of INA new paragraph (34) would define the term "serious criminal offense" as: any felony, any crime of violence as defined in 18 U.S.C. section 16, or any case of reckless driving or of driving while intoxicated or under the influence of alcohol or prohibited substances which results in personal injury to another person.

Subsection (b) provides that the existing authority of the Attorney General, in consultation with the Secretary of State (section 212(d)(3) of the INA, 8 U.S.C. 1182(d)(3)) to waive ineligibility for a non-immigrant visa would apply to new paragraph (34), as would the existing authority of the Attorney General to parole temporarily into the United States any alien applying for admission (section 212(d)(5) of the INA). This would permit the alien to enter in connection with proceedings relating to the offense, for example. The new exclusionary provision also would not apply to persons who returned to the United States and submitted fully to its jurisdiction, thereby negating the original exercise of immunity. Should such an alien be convicted of the charges, the conviction can be evaluated against section 212(a)(9) and (a)(10) of the Act for eligibility. Should the alien be acquitted or the charges dismissed, the alien would no longer be deemed excludable on this basis.

To provide some flexibility for immigrant visas, this State Department provision would also amend section 212(h) of the Act to apply to new paragraph (34) in the same manner as to immigrants

ineligible under paragraphs 212(a)(9), (a)(10), and (a)(12). This would allow a visa to be issued to certain otherwise excludable aliens who have close relatives who are citizens or permanent residents in the United States in instances where denial would result in hardship to the relatives and admission is not contrary to the welfare, safety or national security of the United States.

Subsection (c), offered by Senator Moynihan and Senator Helms, requires the Secretary of State to submit a report to the Congress on the merits of establishing a program to compensate U.S. citizens and permanent resident aliens for physical injury or financial loss resulting from criminal activity reasonably believed to have been committed by individuals with immunity from criminal jurisdiction.

Section 132—United States-Soviet reciprocity in matters relating to embassies

This Administration request amends section 153(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 by removing the requirement that the United States have "secure permanent facilities" in Kiev before the Soviet Union is allowed to open any new consulate in the United States. Instead, this provision would require that the two consulates be treated on the basis of reciprocity. This will allow the United States to determine the type of facility that will best serve its interests in Kiev while maintaining the requirement for reciprocal treatment for any new Soviet consulate in the United States.

Section 133—United States-Soviet Embassy agreement

This section amends section 151 of the Foreign Relations Authorization Act of 1988 and 1989.

Subsection (a) prohibits the Soviet Union from occupying its new chancery building on Mount Alto in Washington, DC, unless and until the President certifies that: (1) a new chancery building has been completed for use by the United States Embassy in Moscow which can be safely and securely used, and (2) all feasible steps have or will be taken to eliminate the damage to the national security of the United States due to the electronic surveillance from Soviet facilities in Mount Alto.

Subsection (b) requires the termination of the 1969 U.S.-U.S.S.R Embassy Agreement within 6 months of enactment of this section unless the President certifies that the Soviet use of the facility on Mount Alto does not pose a significantly greater threat to the national security of the United States than the potential or actual threat from Soviet use for espionage of existing Soviet facilities in Washington, D.C.

Subsection (c) authorizes the president to waive subsection (b) if he determines that it is in the vital national security interest of the United States to do so and provides the Congress with a report detailing his reasons for exercising the waiver.

Section 134—Child care facilities at certain posts abroad

This Administration request authorizes the Secretary of State to make grants to subsidize part of the cost of day care facilities in Moscow and, on a case-by-case basis, other posts where the Secre-

tary determines a similar situation exists. The current need for subsidized day care in Moscow is due to a series of extraordinary circumstances that create pressure on Foreign Service spouses to work at the post while virtually eliminating reasonable child care alternatives. The number of members of the mission in the U.S.S.R. is subject to a strict ceiling at the same time that the embassy has stopped employing Foreign Service nationals due to security and reciprocity considerations. As a result, Foreign Service spouses are urged to work, many in jobs at low pay rates. While this creates an increased need for child care, the same security considerations that prevent employment of locals in the embassy severely limit the availability of local babysitters and increase the cost of making care available.

Moscow is the only post at which the Department currently has plans to use this authority. This section provides authority for such child care facilities at five posts.

Section 135—State Department contractor exemption to Polygraph Protection Act

This administration request provides an exemption from the provisions of the Employee Polygraph Protection Act of 1988, to enable the Department to request contract employees and employees of contractors and subcontractors, engaged in any counterintelligence function, to undergo polygraph examinations under the same regulations and protections that apply to Department personnel. The Act currently prohibits employers from requesting any employee to take a polygraph examination, although government employees are exempted from application of the Act. Exemptions are currently provided for contract employees (including employees of contractors) engaged in intelligence or counterintelligence functions for the Department of Defense, the Department of Energy, the National Security Agency, the Defense Intelligence Agency, the Central Intelligence Agency, and the Federal Bureau of Investigation. This provision would provide a similar exemption for Department of State contract employees and employees of contractors and subcontractors of the Department.

Section 136—Use of cleared personnel to ensure secure maintenance and repair of diplomatic facilities abroad

This provision, offered by Senator Murkowski, amends Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 to require the Secretary of State to develop and implement policies to use persons with appropriate U.S. security clearances to perform maintenance and repair work in U.S. posts abroad. The section requires the Secretary of State to conduct non-cleared contractors from performing maintenance or repair work in certain U.S. diplomatic facilities abroad. The Secretary is required to provide a report on the results of this study.

PART D—PERSONNEL

Section 141—Authority to transfer retirement contributions for Foreign Service nationals to local plans

This administration request provides authority to allow Foreign Service Nationals (FSN) employees to transfer their interest in the Civil Service Retirement and Disability Fund—their contributions, contributions by the employing agency, and earnings—to a local retirement plan or trust fund. Enactment of such a proposal would be consistent with congressional intent, expressed in the Foreign Service Act, that FSN pay and benefits be based on local practice and local compensation plans. It would also substantially reduce the administrative burden on the Department and Office of Personnel Management that now arises in managing civil service retirement for FSN's.

Section 142—Disqualification for service on Foreign Service Selection Boards

This section, offered by Senator Helms, provides that no public member of a Foreign Service Selection Board may be an agent of a foreign principal, as defined by section 1(b) of the Foreign Agents Registration Act of 1938, or receive income from the government of a foreign country.

Section 143—Separation for cause; judicial review

Subsection (a), an administration request, amends section 610 of the Foreign Service Act (22 U.S.C. 4010 *et seq.*) to make clear that the judicial review provision contained in section 1110 of the Act, now expressly applicable to grievances, applies to separation for cause cases as well.

Subsection (b), offered by Senator Helms, prohibits an employee from continuing to receive pay in cases where such employee has been separated for cause and has been convicted of a crime related to the cause for separation.

Section 144—Visiting scholars program for the Foreign Service Institute

This provision authorizes the establishment of a Visiting Scholars Program at the Foreign Service Institute and provides guidelines for the selection process.

Section 145—Credit for service at unhealthful posts

The Administration request amends sections 816(i) and 817 of the Foreign Service Act to eliminate extra service credit, currently granted to members not receiving post differential, for assignments at unhealthful posts. The amendment to section 816(i) and the first new sentence to section 817 eliminates unhealthful post credit from computations of the time period of the marriage for purposes of qualifying as a former spouse under the Act. Currently, subparagraph (B) of section 816(i)(2), which is repealed by this provision, makes it necessary for the Department to determine whether a spouse resided with a member at an unhealthful post, both before and after passage of the Foreign Service Act of 1980. This is almost impossible to determine for periods prior to institution of the spe-

cial reports now required. The change simplifies administration of the Act to insure that the period required to qualify as a former spouse under the Act is the same for all former spouses, without significantly affecting benefits. Credit earned under section 817 prior to the effective date of this Act would be reflected, for former spouses, in the proportionate share of annuities/survivor benefits received as a result of the member's service at unhealthful posts.

The second sentence of subsection (b) phases out the application of section 817 of the Act, whereby participants in the Foreign Service Retirement and Disability System may receive an extra six months of creditable service towards the accrual of retirement benefits for each year of service at an unhealthful post, in lieu of any hardship differential that would otherwise be payable. The provision permits such extra credit to be granted to employees who have already earned it, or whose tour at an unhealthful post begins before the effective date of this Act.

This section conforms treatment of Foreign Service Retirement and Disability System ("FSRDS") participants to that of the Foreign Service Pension System. This provision also brings the FSRDS into line with current compensation philosophy by emphasizing the payment of differentials at the time special service is rendered, rather than through deferred benefits such as additional retirement credit.

Section 146—Former spouses of the United States Information Agency and the Agency for International Development employees

This Administration request perfects legislation enacted in the 1988–89 authorization act, to include among the beneficiaries a handful of former spouses of USIA and AID employees who were inadvertently excluded at that time. The 1988–89 authorization act extended annuity and survivor benefits and access to Federal group health insurance to former spouses of career Foreign Service employees whose divorces occurred before the effective date of the Foreign Service Act. As written, the legislation omitted some 10 to 15 former spouses whose husbands held career Foreign Service appointments with USIA or AID, and who worked overseas, but whose retirement coverage was provided by the Civil Service Retirement system. The groups who would benefit from this section are USIA employees who retired before 1969, and AID employees who retired before 1974, with former spouses who otherwise would qualify for former spouse benefits.

Section 147—Travel, leave, and other benefits

This Administration request amends section 901(9) of Chapter 9 of the Foreign Service Act of 1980 as to visitation travel. Current law provides only that employees may visit their family when family members are not allowed at post. Thus, if an employee at post becomes seriousy ill, the spouse or other family member who wishes to visit the employee cannot be reimbursed. This amendment to 901(9) permits payment for emergency visitation to post as well as from post.

Section 148—Special allowances under Title 5, United States Code

This Administration request amends a number of personnel provisions contained in Title 5 of the United States Code, as follows:

Subsection (a) codifies the longstanding practice that dependents whose departure is officially authorized are entitled to the allowances authorized by this section even if the employee remains at post. It also extends the 180 day limit on the subsistence expense allowance for evacuees to 270 days but requires that any extension beyond the first 60 days be authorized for no more than 30 days at a time, and only where fully warranted in each instance. Currently the allowance terminates after 180 days, even if the employee and/or family member remains in evacuation/ordered departure status. Removal of the limit allows evacuees to receive the allowance for the actual duration of the evacuation/ordered departure status even in the extraordinary circumstance of such an extended evacuation.

Subsection (b) prohibits inclusion of any post differentials or foreign or territorial allowances for hardship in lump sum leave payments for employees who retire from a post abroad for service as part of a tour of duty or extension commencing on or after the effective date of this Act. This provision will produce Government-wide savings. The term "basic pay" is defined in 5 U.S.C. 8331(3).

Subsection (c) allows an agency to make arrangements for children of employees assigned overseas to complete their current school year if the employee dies. Education and/or living quarters allowances for the children and other family members may be continued by the agency for the purpose of allowing such children to complete the current school year at post. Also, education allowances could be continued for a child in a school away from post until the end of the school year. Similarly, an education allowance for school away from post may be continued to the end of the school year if the employee or spouse is evacuated or ordered to depart.

Subsection (d) enables the Department to combine the present separate temporary lodging and supplementary post allowances into a single per diem temporary subsistence allowance comparable to that paid employees on transfers to and within the United States.

The revision from "3 months" and "1 month" to "90" and "30" days is for simplification and to correspond to the general use of a fixed number of days, rather than months, for similar benefit periods.

Subsection (e) amends section 5924(1) to make clear that a person receiving the temporary subsistence allowance cannot also receive a post allowance. Subsection (f) makes two revisions of particular importance to Civil Service employees. As a preliminary matter, subparagraph (1) clarifies the definition of "reasonable expenses" covered by the transfer allowance to include subsistence and other relocation expenses and specifically includes lease termination payments. Subparagraph (2) provides that the transfer allowances currently available on departure from the United States to a foreign area would also be permitted on similar transfers from U.S. territories, possessions and Puerto Rico. Subparagraph (3) provides that

the transfer allowance is currently available to Foreign Service personnel agreeing to 12 months additional service upon return to the U.S. under section 901(14) of the Foreign Service Act. This amendment provides the same basis of payment for employees not covered by that Act. Under present legislation, Civil Service employees can be paid a transfer allowance only upon return to the U.S. between foreign assignments.

Subsection (g) updates and improves the education allowance system to bring it into line with current circumstances and problems. The first change permits payment of educational allowances for children of employees being transferred or newly assigned to a Foreign Service post with inadequate schooling, to pay for education away from post from the beginning of the school year, even if the member of the Service does not depart the United States until after the beginning of the school year. The second amendment clarifies the authority to provide educational services to handicapped children before they reach kindergarten age. The "Education for All Handicapped Children Act of 1975" (P.L. 94-142) generally requires states to offer public educational facilities for handicapped children from age three. This amendment will amend 5 U.S.C. to remove any question that overseas educational allowance policy is consistent with U.S. public school education practice for handicapped children.

The third amendment permits post-secondary educational travel for dependents not only for undergraduate college education, but also at other institutions such as nursing, technical, vocational, music and performing arts schools which are not considered colleges. This amendment is necessary in order to provide the appropriate kinds of post-secondary education for a wider variety of chosen career fields for dependent children. The term "educational institution" in the text of the amendment is drawn from 38 U.S.C. 1701(a)(6) (Veterans' Benefits) but does not extend the benefit during post-graduate education. Accredited educational institutions at which these benefits can be used will be determined by reference to an established list, such as that developed by the Veterans' Administration or the Department of Education. The list or lists to be used will be specified by regulations issued by the Secretary.

Section 149—Grants for institutions and students for training in international affairs

This administration request amends the Basic Authorities Act to authorize the Secretary of State to make grants to accredited educational institutions for programs aimed at increasing knowledge of foreign policy and foreign affairs, as well as interest in and awareness of the possibility of careers in the Foreign Service. This provision also permits the Secretary to make direct grants to students to give them an education that will increase their knowledge of and interest in international affairs. To the extent possible, grants will be made under the authority of this section as part of the Department's minority recruitment program, all other considerations being equal.

Section 150—Judicial review of certain Foreign Service grievances

This section, offered by Senator Helms, provides that for the purposes of judicial review under section 1010 of the Foreign Service Act of 1980, any recommendation ever made by the Foreign Service Grievance Board with respect to the tenure of a grievant shall be considered to be a final action of the Department of State, and any such recommendation shall be considered to be or have been within the authority of the Foreign Service Grievance Board.

Section 151—Merit based Foreign Service

This provision, offered by Senator Helms, requires the Secretary of State to provide the Congress with a plan designed to ensure that equal efforts are undertaken in each of the regions of the United States to recruit policy and professional Government Service Employees and Foreign Service Officers for the Department of State and each of its affiliated agencies.

This section also explicitly prohibits discrimination on the basis of geographic or educational affiliation and requires a report to the Congress by the Office of Inspector General documenting the geographic, racial, ethnic, and gender composition of the employees of the State Department and its affiliated agencies.

Section 152—Protection of the integrity of the legislative process

Section 172(c) of the Foreign Relations Authorization Act for fiscal years 1988 and 1989 established the Office of the Ombudsman for Civil Service Employees. To date, the State Department has not selected anyone to fill the office. This section, offered by Senator Helms, directs the Director of the Office of Personnel Management to fill the position within 120 days after the date of enactment if the position has not yet been filled.

PART E—FOREIGN LANGUAGE COMPETENCE WITHIN THE FOREIGN SERVICE

Section 161—Expansion of model foreign language competence posts

This provision, offered by Senator Simon, requires the Department of State to designate ten additional posts as "Foreign Language Competence Posts." In such posts, each U.S. Government employee should possess an appropriate level of competence in the language of the country where the post is located.

Section 162—Report on foreign language entrance requirement for the Foreign Service

This provision, offered by Senator Simon, requires the Secretary of State to prepare a report that examines the possibility of making a language requirement part of the Foreign Service entrance exam.

Section 163—Foreign Service promotion panels

This provision, offered by Senator Simon, expresses the sense of the Congress that, to the extent possible, the Foreign Service Promotion Panels should promote only candidates to the Senior Foreign Service who have demonstrated a prescribed level of foreign language proficiency.

Section 164—Language proficiency in the employee evaluation report

This provision, offered by Senator Simon, requires the State Department, USIA, and AID to include, as a separate entry on the officer evaluation and assessment reports, the score achieved on foreign language tests.

TITLE II—UNITED STATES INFORMATION AGENCY

Section 201—Authorization of appropriations; allocation of funds

This section authorizes $440,000,000 for the general "salaries and expenses" of the United States Information Agency. In addition, $4,000,000 is authorized to support U.S. participation in the 1992 Seville World's Fair. The $4,000,000 is intended to represent part of the Administration's combined request in the State Department and USIA authorizations. In the past, the committee has expressed skepticism about the value of U.S. Government participation in Worlds Fairs. Because of the special nature of the event commemorated, the Committee is willing to authorize limited funding for the celebration of the 500th anniversary of Columbus's voyage. The Committee urges the Administration not to commit to U.S. participation in future international expositions without express advance authorization from Congress.

Section 202—Voice of America

This section authorizes $217,724,000 for the Voice of America, of which $12,000,000 is earmarked for the VOA Cuba Service, and $36,000,000 for radio construction and modernization.

Section 203—Bureau of Educational and Cultural Affairs

This section authorizes $196,626,000 for the programs under the jurisdiction of the Bureau of Educational and Cultural Affairs. These funds are earmarked as follows: $98,000,000 for the Fulbright Academic Program, $2,000,000 for the Samantha Smith Program, $40,400,000 for the International Visitor Program, $11,900,000 for the Office of Citizen Exchanges, $7,800,000 for the Arts America Program, and $150,000 for books and materials to complete the Zorinsky Memorial Library in Jakarta, Indonesia. Of the funds authorized for the Fulbright Program, the committee earmarked, at the suggestion of Senator Simon, $3,250,000 for research exchanges at the professorial and graduate student level with the Soviet Union and Eastern Europe. In addition, the increase the committee is recommending for the Arts America program is to be used to support important activities in the arts, music, and cultural exchange programs such as "Making Music Together: A Festival of American Music in the Soviet Union."

Section 204—National Endowment for Democracy

This section authorizes $25,000,000 for the National Endowment for Democracy, as proposed by Senator Dodd.

Section 205—East-West Center

This section authorizes $20,700,000 for the East-West Center.

Section 206—Diplomatic construction program

This section is an administration request to permit foreign contractors to bid on construction contracts for USIA facilities where the value of the project does not exceed $500,000 and where the facility is not intended for the storage of classified material.

Section 207—Dissemination of information within the United States

This section provides for the automatic release of USIA films and materials in the United States after 12 years. Current law prohibits the domestic release of almost all USIA materials. As a result, the Congress is repeatedly called upon to make exceptions through special legislation, usually permitting domestic release of USIA films. This provision will obviate the need for most such special legislation.

The committee strongly supports the underlying rationale for the prohibition on domestic dissemination of USIA material: namely that USIA should not be engaged in domestic propaganda. The committee believes there is little likelihood that material 12 or more years old will be of significant use for domestic propaganda purposes.

Section 208—USIA satellite and television

This section provides authority for USIA to lease or acquire time on commercial or U.S. government satellites for the purposes of transmitting agency materials to foreign posts. As proposed by Senators Lugar and Pell, it eliminates the Congressional restrictions on USIA non-interactive television. It authorizes a limited program for television production and transmission. This includes interactive programming, coverage of current events where commercial coverage is unavailable, coverage of White House and State Department briefings, and preparation of news clips. The section directs the agency to make maximum use of the products of U.S. commercial and public television networks where such material is available at a reasonable cost. The section earmarks $1,500,000 for the purchase of programs from the Corporation for Public Broadcasting or other public U.S. television. Finally, the section directs USIA to make unutilized satellite time available to other U.S. Government agencies or to sell such time to commercial users.

Section 209—Voice of America hiring practices

This section, offered by Senator Moynihan, prohibits the VOA from hiring candidates that have been pre-approved by a foreign government entity. This would end a practice whereby the government of Burma has been screening candidates for the VOA-Burmese service.

Section 210—United States Advisory Commission on Public Diplomacy

This section, offered by Senator Simon, restores the requirement for bipartisanship on membership on the United States Advisory Commission on Public Diplomacy, and reestablishes a system of staggered terms. Two years ago the Congress changed the statutory

authority for the Commission by dropping the requirement of bipartisanship and mandating that all members serve at the pleasure of the President. This change became effective January 20, 1989. The effect of this section would be to go back to the situation that existed prior to January 20, 1989.

The Congress dropped the requirement for bipartisanship because of the practice of appointing only members who were political supporters to the incumbent administration. Under these circumstances, bipartisanship was a sham and used by the Commission only in an attempt to give its recommendations a base of support that they, in fact, did not have. Since the Congress made the changes, the President has changed this practice. In light of this development and assurances that membership on the Commission in the future will not be restricted to Administration supporters, the committee restored the requirement for bipartisanship.

Currently the Commissioners serve at the pleasure of the President. The committee recognizes that there are potential constitutional problems with providing a fixed term to a person who currently serves at the pleasure of the President without submitting the name of the nominee to the Senate again. The committee makes the change in this section in the hope that the current Commissioners will be nominated to serve for the balance of the term that they would have served had the changes made by P.L. 100–204 not come into effect.

Section 211—Foreign language services

This section is an Administration request to permit USIA to continue to employ a non-U.S. citizen who had qualified for a USIA position (usually at the VOA) where no qualified U.S. citizen was available at the time the foreign national was offered the position but where one subsequently turned up. Under current law, the U.S. citizen might be able to displace the foreign national.

Section 212—Use of fees for United States Information Agency publications and other programs

This section reflects an Administration request to allow the Agency to retain receipts from the sale of Agency-produced publications. The principal effect of this provision is to allow the Agency to use proceeds from the sale of America Illustrated in the U.S.S.R. to finance a substantially larger print run.

Section 213—The J. William Fulbright Scholarship Board

This section, as proposed by Senator Pell and modified by Senator Lugar, renames the Board for Foreign Scholarships after Senator Fulbright, the creator of the programs it oversees. In addition, the provision strengthens the protection of the academic freedom of participants in the Fulbright and Humphrey Fellowship Programs. This provision establishes a legal cause of action for any person who holds a Fulbright or Humphrey grant and believes his or her grant has been terminated because of the political views expressed by the grant recipient or because of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in U.S. universities.

Section 214—Citizen exchanges

This section renames the USIA's Private Sector Office the Office of Citizen Exchanges and merges this office with the Youth Exchange Office. In making this change, the committee intends to emphasize the office's role in support of non-political exchange of persons programs carried out by citizen organizations in the United States.

Section 215—United States-Soviet exchanges

This section authorizes the President to negotiate and implement an agreement with the Soviet Union under which old lend-lease debt would be used to finance U.S.-Soviet exchanges.

Section 216—Scholarships for Tibetans

This section provides that not less than 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet.

Section 217—Exclusion from gross income of fellowships, scholarships, and other payments to students, scholars, and participant trainees

This section, offered by Senator Lugar, exempts non-resident aliens from paying Federal income tax on the value of grants received under U.S. Government funded exchange programs. Prior to the Tax Reform Act of 1986, these grants were not taxed. Taxing U.S. Government funded exchange programs effectively reduces the number of persons that can be exchanged for a set amount of appropriations. This runs contrary to Congress's objective in increasing the size of our exchange programs. The amount of tax revenue affected is very small; on the other hand, there are significant paperwork requirements in administering withholding requirements and collecting tax from non-resident government-funded exchange students.

Section 218—VOA public service announcements to promote child survival

This section, offered by Senator Simon, requires the Voice of America to establish and maintain a series of public service announcements on child survival techniques. A.I.D. has an ongoing program to prepare public service announcements on child health and child nutrition and to urge local radio stations in developing countries to carry those announcements. VOA broadcasts to developing countries do not carry such announcements. This section will require the VOA to carry the announcements on broadcasts heard in developing countries in the language of these countries.

Section 219—Voice of America broadcasts to Tibet

This section, offered by Senator Helms and Senator Pell, requires the VOA to initiate broadcasts to Tibet in Tibetan. The Committee considers the establishment of a Tibetan service to be particularly urgent in light of the massive crackdown on pro-democracy forces in China. Broadcasts in Tibetan will provide a window to the Tibet-

an people on the outside world, as well as help preserve a rich linguistic tradition.

Section 220—Afghanistan Country Plan

This section, offered by Senator Humphrey, requires USIA to continue implementing the country plan for Afghanistan that was submitted to the Congress for fiscal year 1989. In addition, it requires the Director of USIA to submit a report describing the plan along with a specific outline on how the plan will be adapted from implementation within a free Afghanistan.

Section 221—Distribution within the United States of United States Information Agency film entitled "Long Journey Home".

This section, offered by Senator Humphrey, permits the domestic release of the USIA film "Long Journey Home" which deals with Afghanistan. Because the film is more recent than 12 years, it is not immediately releasable pursuant to the changes made by section 207.

Title III—Board for International Broadcasting

Section 301—Authorization of appropriations

This section, provides the authorization for appropriations for the Board for International Broadcasting. Subsection (a) authorizes $180,330,000 for administrative and operating expenses. Subsection (b) authorizes $23,917,000 for radio transmitter construction and modernization of the transmitting station in Maxoquiera, Portugal.

Subsection (c), authorizes $194,000,000 for the relay station in Israel. Development of the relay station is pursuant to an agreement signed in June 1987 between the United States and Israel that calls for joint venture between one Israeli and two U.S. firms.

Section 302—Procurement of legal services

This section, which was requested by the Administration, provides the BIB with the authority to obtain counsel abroad for advice pertaining to local laws. This authority is already available to other agencies operating abroad.

Section 303—Radio Free Afghanistan

This section, offered by Senator Humphrey, would require the continuation of BIB broadcasts to Afghanistan until there is a government in Kabul that has been constituted through a free act of self-determination.

Title IV—International Organizations

Section 401—United States membership in International Sugar Organization

This section, requested by the Administration, authorizes United States participation in the International Sugar Organization and the payment of dues, beginning in fiscal year 1991, from the International Organizations Account.

Section 402—Reform in budget decision-making procedures of the United Nations and its specialized agencies

This section, offered by Senator Kassebaum, (1) includes findings that the United Nations and specialized agencies have made progress in the formulation and implementation of budget reforms required by the 1985 Kassebaum Amendment, (2) urges the President to make vigorous efforts to protect the independence of the international civil service, (3) urges the President to continue to support the reform package, and (4) requires the President to withhold 20 percent of the funds appropriated for the U.N. or its specialized agencies subject to a Presidential certification.

The funds withheld are eligible for release after the President certifies that the U.N. and its specialized agencies are continuing to implement the reform program and, in the case of the U.N. itself, that it is making progress toward the elimination of the practice of secondment and is implementing the 15 percent reduction in Secretariat staff. In supporting the inclusion of certification requirements in law, this Administration has adopted in approach very different from its predecessors, which preferred less tight Congressional control over foreign policy matters.

Section 403—Annual report to the Congress on voting practices at the United Nations

This section, based largely on legislation introduced by Senators Kennedy, Pell, Boschwitz, Moynihan, Simon, Biden and Kerry, supplements the existing methodology used in the Annual Report to the Congress on Voting Practices at the United Nations in order to more accurately reflect voting patterns at the United Nations. Senator Kassebaum amended this section to provide that the new reporting methodology would be in addition to, rather than a substitute for, the existing reporting methodology.

This section requires the annual report to include an analysis of the extent to which member countries supported U.S. policy objectives at the U.N. and an analysis of the U.N. decisions taken by consensus. With respect to plenary votes, it also requires a listing of all such votes on issues that directly affect U.S. interests, a brief description of the issues involved in each such vote, and an explanation of the U.S. position on each such issue. The report must also contain a comparative listing of other types of votes.

Section 404—Policy on UNESCO

This section, offered by Senator Moynihan and Senator Helms, finds that the U.S. withdrew from UNESCO in December 1984 in response to grave and persistent problems there under the then-Director General. It also finds that UNESCO has since acquired a new Director General, Federico Mayor, who has pledged to return UNESCO to the principles enunciated in its Charter and to adopt other needed changes in UNESCO policy.

Finally, this section expresses the sense of the Congress that the United States should monitor closely the changes achieved in UNESCO and should work with the its allies and the UNESCO leadership to continue to promote the progress necessary to permit

United States reentry into UNESCO as soon as possible and appropriate.

Section 405—Membership of the Palestine Liberation Organization in United Nations agencies

This section, offered by Senator Helms, prohibits the payment of any assessed or voluntary contribution to the United Nations or any U.N. agency that admits the PLO with the same standing as a member nation.

Title V—Refugee and Other Provisions

Section 501—United Nations High Commissioner for Refugees audit requirement

This Administration request amends section 113 of Public Law 99-93, which provides that funds may not be made available to the United Nations High Commissioner for Refugees (the UNHCR) unless by June 1, 1988, the High Commissioner provides for annual program audits by an independent consultant selected by the Executive Committee of the UNHCR. The audits are to be made available to the Comptroller General, who is required to inspect each such audit and submit a report of that inspection to the Congress. This requirement has served as an impetus to improve UNHCR program audits and the efficiency and quality of UNHCR programs. Since 1986, the UNHCR has commissioned program audits by outside consultants, which have been made available on a confidential basis to the Comptroller General. During this period, the United Nations Board of External Auditors (UNBEA) has greatly improved the scope and quality of its audits of UNHCR programs. The need for quality audits—and the benefits that can be derived from them—is well appreciated by both the UNHCR and the UNBEA.

Certain technical requirements in section 113 of P.L. 99-93, however, have proven difficult to implement in practice, and may have created some unnecessary duplication of effort. For example, section 113 provides that the Executive Committee is to approve the independent consultant, although under the UNHCR statute and regulations, that power belongs to the High Commissioner himself. In addition, the term "independent consultant," in light of the legislative history, appears to preclude the possibility of relying solely on the audits of the UNBWA, even though it is independent from the UNHCR and has recently produced thorough and useful audits of UNHCR programs that have led to substantial improvements in program management.

Section 502—Worldwide refugee protection

This section expresses the sense of the Congress on a number of international and foreign policy refugee issues. As proposed by Senator Lugar, it commends Pakistan and Malawi for their humanitarian efforts in aiding large numbers of refugees in their territory. It states the sense of Congress that the U.S. should continue to facilitate the departure and resettlement of Jews and other persecuted religious minority groups from the Soviet Union. It notes the continuing refugee crisis in Southeast Asia and recommends renewed

efforts to provide adequate refuge and protection for the large numbers continuing to flee from Indochina. It calls attention to the situation of Mozambicans in South Africa and to the urgent humanitarian needs of refugees in the Horn of Africa. The provision also earmarks $500,000 for assistance to displaced Tibetans in India and Nepal.

Subsection (a) expresses U.S. appreciation to the Governments and people of Pakistan and Malawi for their assistance to large numbers of refugees in their territory.

Subsection (b) calls attention to the increased numbers of refugees from the Soviet Union and expresses the sense of Congress that their processing for U.S. resettlement should recognize the history of persecution that has caused persecuted religious minority groups to leave the Soviet Union.

Subsection (c) describes the continuing refugee crisis in Southeast Asia, notes the need for resettlement opportunities for refugees of special humanitarian concern, calls attention to the problem of pirate attacks against refugee boats, and deplores the high rejection rate of refugee applicants for the Orderly Departure Program from Vietnam. The subsection expresses the sense of Congress that the United States should continue to work with the countries of the region and others to preserve asylum and protection, to provide adequate refuge for all asylum seekers while carrying out screening, and to combat pirate attacks on refugees. It calls on the U.S. Government to advocate the policy that repatriations should not occur until strong and effective procedures are in place to assure that those returned will be safe and not subjected to persecution. The Orderly Departure Program from Vietnam should be reviewed to assure that family reunion cases and others of humanitarian concern have reasonable opportunities to leave Vietnam.

Subsection (d) calls attention to the plight of Mozambicans in South Africa who have been forced back into their violence plagued homeland, and criticizes an electric fence that has been constructed between the two countries which has resulted in the deaths of numerous refugees. It asks the Secretary of State to urge South Africa to stop the forcible repatriation of Mozambicans and to dismantle the electric fence and asks for a report on this situation by September 30, 1989.

Subsection (e) describes the plight of large numbers of refugees and civilians uprooted by internal violence in Sudan and Somalia. It calls on the government of Ethiopia to permit cross border deliveries of food and other humanitarian assistance and requests the Secretary of State to report to Congress on this subject by September 30, 1989.

Subsection (f) earmarks $500,000 of the funds authorized for refugee assistance for assistance to displaced Tibetans in India and Nepal.

Section 503—Prohibition on exclusion or deportation of nonresident aliens

Offered by Senator Moynihan, this provision provides a technical correction to the Foreign Relations Authorization Act for Fiscal Years 1988 and 1989.

TITLE VI—GLOBAL ENVIRONMENT PROTECTION ACT

Section 601—Short title

This section contains the short title of Title VI, the "Global Environmental Assistance Act of 1989."

PART A—COMMERCIAL DEBT-FOR-NATURE EXCHANGES

Section 611—Amendment to the Foreign Assistance Act

This section, sponsored by Senators Biden, Lugar and Pell amends the Foreign Assistance Act, adding a new chapter 7 on "debt-for-nature exchanges" as follows:

Section 461. *Definition.*—Section 461 of the new chapter defines "debt-for-nature exchange" as the cancellation of a government's foreign debt in exchange for that government's support of conservation activities through financial and policy means.

Section 462. *Assistance for Commercial Debt Exchanges.*—Section 462 of the new chapter gives the Administrator of A.I.D. the authority to furnish grants to NGOs to purchase discounted commercial debt of foreign governments' eligible to participate in "debt-for-nature exchanges." In addition, this section allows NGOs to retain the interest earned on the proceeds of a "debt-for-nature exchange" pending its disbursement for approved purposes.

Section 463. *Eligible Projects.*—Section 463 of the new chapter defines eligible activities for debt-for-nature swaps. In addition, the section directs the Administrator of A.I.D. to identify areas that, because of their severe environmental degradation, require priority attention. Finally, the Administrator of A.I.D. is directed to encourage as many countries as possible to participate in the program to demonstrate its feasibility and benefits.

Section 464. *Eligible Countries.*—Section 464 of the new chapter requires that for a country to be eligible to participate in "debt-for-nature exchanges," the Administrator of A.I.D. must determine that the host country has demonstrated a commitment to the proposed project; has prepared or will prepare a plan for the long-term viability of the project; and has the capability to execute the program, either through a local government agency or an NGO.

Section 465. *Terms and Conditions.*—Section 465 of the new chapter states the terms for fulfillment of a grant, stipulates that these grants are a complement and not a substitute for other assistance, and prohibits the United States Government from accepting title or interest in any lands as part of a debt-for-nature swap.

Section 466. *Pilot Program for Sub-Saharan Africa.*—Section 466 of the new chapter establishes a pilot "debt-for-nature exchange" program directed at those regions in Sub-Saharan Africa that national governments identify to be environmentally degraded to the point that they threaten human survival. The Administrator of A.I.D. is authorized to make grants available to NGOs for use in "debt-for-nature exchanges" in those areas. This section will also allow NGOs to retain the interest earned on the proceeds of a "debt-for-nature exchange" pending its disbursement for approved purposes.

PART B—MULTILATERAL FOREIGN ASSISTANCE COORDINATION

Section 621—General policy

Section 621, sponsored by Senators Biden, Lugar, and Pell declares the sense of the Congress that the Secretary of State should seek greater consideration of ecological concerns in all countries' bilaterial assistance programs.

Section 622—Policy on negotiations

Section 622, sponsored by Senators Biden, Lugar, and Pell directs the Secretary of State through the U.S. representative to the Organization for Economic Cooperation and Development (OECD) to initiate at the earliest possible date, negotiations to achieve greater coordination among member countries' bilateral assistance programs to address the following environmental concerns: global warming, tropical deforestation, sustainable development and biological diversity.

PART C—INTERNATIONAL DEBT EXCHANGES AND ENVIRONMENT

Section 631—Environmental policy and international debt exchanges

Section 631 of the Act, offered by Senator Biden, Lugar, and Pell, expresses the sense of the Congress that it is the policy of the United States to support integration of sustainable development and conservation projects in the negotiations or facilitation of commercial debt reduction of foreign countries. The Secretaries of State and Treasury shall support efforts to ensure the provision of adequate resources for environmental or sustainable development projects or programs when assisting or facilitating debt reductions through bilateral or multilateral institutions such as the World Bank or the International Monetary Fund.

Section 632—Reports

This section sponsored by Senators Biden, Lugar, and Pell directs the Secretary of State to submit a report within 90 days of enactment of this Act, on the methods to be used to incorporate environmental considerations into debt restructuring plans. In addition, for each debt restructuring agreement, the Secretary is directed to provide a report on the agreement, describing the projects supported and the support for those projects.

PART D—WILDLIFE AND NATURE PROTECTION

Section 641—Elephant protection

This section enhances protection of the elephant species by restricting ivory imports into the United States to those countries that enforce the existing ban on the illegal hunting of elephants or on the illegal trade in ivory.

Section 642—Authorization for membership in the international tropical timber organization

This section, authored by Senator Pell, authorizes U.S. participation in the International Tropical Timber Organization.

Section 643—Authorization for membership in the international union for the conservation of nature and natural resources

This section, authored by Senator Pell, authorizes U.S. participation in the International Union for the Conservation of Nature and Natural Resources.

Section 644—Authorization of appropriation for membership in wildlife conventions

This section, authored by Senator Pell, authorizes $1,511,000 for FY 1990 for dues and arrearages in support of U.S participation in the following organizations and conventions: the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the International Tropical Timber Organization, the World Heritage Convention, and the International Union for the Conservation of Nature and Natural Resources.

PART E—GLOBAL WARMING

Section 651—Report concerning global warming prevention network

This section, offered by Senator Pressler, requires the Secretary of State to report to Congress on the feasibility of establishing a global warming prevention information network to disseminate prompt, accurate, and comprehensive information concerning matters pertaining to global warming to foreign governments, business organizations, and public and private organizations.

PART F—INTERNATIONAL ENVIRONMENTAL EDUCATION

Section 661—Policy regarding environmental libraries

This section, offered by Senator Murkowski, expresses the sense of the Congress that the United States should promote the dissemination of information on the environment through private support for non-governmental libraries located in regions facing environmental crises and where such information is not available. Further, this provision would allow contributions to these libraries to be considered charitable contributions for tax purposes.

TITLE VII—TELEVISION BROADCASTING TO CUBA ACT

This title, offered by Senator Mack, authorizes and provides guidelines for T.V. broadcasting to Cuba.

Section 701—Short title

This act cited as the "Television Broadcasting to Cuba Act."

Section 702—Findings; purposes

This section finds that television broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with the high professional standards of the Voice and America, may be effective in furthering the open communication of accurate information and ideas to the people of Cuba.

Section 703—Additional functions of the United States Information Agency

This section provides that the United States Information Agency shall broadcast objective, accurate, and balanced television to Cuba through the "USIA Television Marti program." The Federal Communications Commission (FCC) shall have the authority to allocate the most practical and efficient spectrum in accordance with the Communications Act of 1934; no such allocation shall result in objectionable interference to any incumbent domestic licensee.

The broadcasting shall be conducted in accordance with the parameters prescribed by the FCC to preclude objectionable interference. The FCC shall monitor the operations of the Service, and if on the basis of such monitoring or complaint, it determines that broadcasting is causing objectionable interference with any domestic licensee, the FCC shall expeditiously notify the NTIA. The NTIA shall take immediate action to eliminate the interference and if it cannot be eliminated within 72 hours of the notification, the operation of the Service shall be suspended and not resumed until the FCC determines that the objectionable interference is eliminated. The FCC shall take necessary and appropriate actions to assist domestic licensees in overcoming adverse effects of objectionable interference, including the authorization of nondirectional increases in the effective radiated power of domestic television stations. A federal agency cannot compel an incumbent domestic licensee to change its frequency in order to eliminate objectionable interference. The FCC shall continually monitor for interference and periodically report to the Congress regarding interference to domestic broadcasters from the operation of Cuban television and radio stations and from the operations of the television broadcasting to Cuba.

Section 704—Assistance from other Government agencies

This section provides that any agency of the United States is authorized to sell, loan, lease, or grant property in assisting USIA to carry out the program.

Section 705—Authorization of appropriations

This section authorizes to be appropriated to USIA, $16,000,000 for fiscal year 1990 for television broadcasting to Cuba. If provides that no funds may be obligated or expended unless the President determines and notifies the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate that the test of television broadcasting to Cuba has demonstrated that it is feasible and will not cause objectionable interference with the broadcasts of incumbent licensees which cannot be eliminated through action described in section 703. The FCC shall furnish to the appropriate committees of the Congress all interim and final reports concerning objectionable interference from television broadcasting to Cuba to domestic licensees. The President shall submit a report to the Congress, that includes the findings of the test of television broadcasting to Cuba, not less than 30 days before he makes the determination of feasibility. The 90-day test may be extended no longer than 30 days if necessary.

Section 706—Definitions

This section defines "incumbent domestic licensee" as provided in the Communications Act of 1934 that was broadcasting a television signal as of January 1, 1989; "appropriate committees of Congress" as the House Foreign Affairs Committee, the House Energy and Commerce Committee, the Senate Committee on Foreign Relations, and the Senate Committee on Commerce, Science, and Transportation; and "Service" as the Television Marti Service.

Section 707—Advisory Board for Cuba Broadcasting

This section establishes an Advisory Board for Cuba Broadcasting consisting of nine members of whom not more than five shall be members of the same political party. The Board shall review the effectiveness of television broadcasting to Cuba and shall make recommendations to the President and the Director and Associate Director for Broadcasting of the United States Information Agency. The head of the Cuba Service and the head of the Television Marti Service shall serve as ex officio members of the Board. Members of the Advisory Board for Radio Broadcasting to Cuba shall continue to serve for the remainder of their respective terms as members of the Advisory Board for Cuba Broadcasting. Section 3 of the Radio Broadcasting to Cuba Act is amended by inserting, "and not withstanding the limitation of section 501 of the United States Information and Educational Exchange Act of 1948 with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent."

Title VIII—PLO Commitments Compliance Act of 1989

This act, offered by Senator Mack and Senator Helms, reiterates long-standing United States policy that any dialogue with the PLO be contingent upon the PLO's recognition of Israel's right to exist, its acceptance of United Nations Security Council Resolutions 242 and 338, and its abstention from the renunciation of all acts of terrorism. In addition, it outlines some of the assurances the United States should seek from the PLO in any future talks and calls for an accounting from the PLO of certain incursions into Israel by PLO-affiliated groups.

In the event that talks are held with the PLO after the date of enactment, the Secretary of State is required to provide the Senate with a report containing the PLO representative's accounting of such incidents. Finally, this act requires the President to provide the Congress with a report every 120 days on whether or not the PLO is complying with the commitments made by Yassar Arafat in Geneva on December 14, 1988.

Title IX—Miscellaneous Provisions

Section 901—Inter-American Foundation

This provision, offered by Senator Dodd, authorizes $16,932,000 for the Inter-American Foundation.

Section 902—Consideration by Senate committee of certain expedited legislation

This section, offered by Senator Dodd, amends section 481(h)(6)(B) of the Foreign Assistance Act to bring Committee procedures for consideration of resolutions of disapproval under the 1986 Drug Act into conformity with procedures provided by the Act for other Committees of jurisdiction. These resolutions relate to presidential certifications that foreign governments are cooperating with the United States on narcotics matters. Following enactment of this section, joint resolutions, once reported by the Committee, shall be treated as privileged in the Senate.

Section 903—Munitions control registration fees

This Administration request authorizes the Office of Munitions Control to retain up to $250,000 in munitions control registration fees for the purpose of automating its munitions control functions for fiscal year 1990, extending authority previously granted for fiscal years 1988 and 1989.

Section 904—Procedures for issuance of commercial arms export licenses

This section, offered by Senator Lugar, establishes procedures to expedite consideration of licenses under section 38(g) of the Arms Export Control Act and requires a semiannual report on compliance with such procedures.

Section 905—Prohibition on the use of military items in Tibet

This section prohibits the sale of items on the U.S. munitions list to China if any such item is used by the Chinese military in the suppression of the human rights of the Tibetan people or to enforce martial law in Tibet. It also requires an annual certification that U.S. equipment is not being used, and has not been used in the previous year, to suppress the human rights of the Tibetan people or to enforce martial law in Tibet. This provision expires on October 1, 1993.

Section 906—Use of herbicides for drug eradication

This section, offered by Senator Moynihan, relates to U.S. efforts to eradicate drugs through the use of herbicides. Subsections (a) and (b) require the Assistant Secretary of State for International Narcotics Matters to submit to Congress an analysis of the potential costs and benefits of aerial coca and opium eradication programs. For countries in which eradication programs are already underway, the Assistant Secretary must include the analysis in the annual International Narcotics Control Strategy Report. For countries which such programs are not already underway, the analysis must be submitted at least 60 days before an eradication program begins.

The committee recognizes that the effectiveness of crop eradication programs must in large part be measured by their impact on drug use in the United States. Thus, the analysis must weigh the extent to which eradication is expected to affect the price and availability of cocaine and heroin in the United States.

The committee is also concerned about the potential impact of eradication on political and social stability in source countries, as well as the ultimate impact of such instability on our ability to control drugs at the source. Specifically, the Committee is concerned about reports that coca growers in Peru have sought the protection of that country's Sendero Luminoso guerrillas, and that large scale coca eradication in Peru might lead many rural Peruvians to align themselves with Sendero in opposition to the Peruvian government.

Thus, the required analysis must determine whether aerial eradication will encourage coca and opium growers to align themselves with insurgent groups in opposition to legitimate governmental authority, and explore the consequences of such a response for broader United States foreign policy interests. It must also determine whether eradication is expected to encourage growers to shift cultivation to isolated areas where governmental authority is weak or nonexistent. The Committee is especially concerned that driving growers into inaccessible areas where they may be protected by armed groups would make necessary crop substitution and development programs impossible to implement.

Subsection (c) prohibits the use or deployment of drug eradication equipment provided by the United States to foreign countries in any location to which representatives of the United States Government are denied access by the government of that foreign country. Section 4506 of the Anti-Drug Abuse Act of 1988 required the President to "take all reasonable steps" to ensure that aircraft provided by the United States to foreign countries for drug enforcement are used only for their intended purpose. This subsection is intended to ensure proper oversight of the use of such equipment to make certain it is only deployed for drug enforcement missions.

This subsection is primarily intended to address United States-sponsored opium eradication efforts in Burma. Congress has been unable to ascertain whether aircraft provided to the Burmese armed forces have been used properly, because the Government of Burma forbids United States diplomatic and drug enforcement officials from entering areas of the country in which equipment provided by the United States is deployed.

This subsection is not intended to restrict, and should not have the effect of restricting, existing drug eradication efforts outside Burma, including those in Pakistan and Mexico. Congress is satisfied that at the present time, and under current conditions, representatives of the United States government are provided sufficient access to drug producing areas in these nations.

Section 907—Report concerning Mexico

This section, offered by Senator Mack and Senator Lugar, requires the Secretary of State and the United States Trade Representative to provide the Congress with the report concerning various aspects of the relationship between the United States and Mexico.

Section 908—President's Foreign Intelligence Advisory Board

This section, offered by Senator Helms, requires the members of the President's Foreign Intelligence Advisory Board to file a full fi-

nancial disclosure report to the Office of Government Ethics every 180 days. The contents of such reports must include all the information required under section 202 of title 5, United States Code.

Section 909—Establishment of a Pacific Basin Forum

This provision, offered by Senators Cranston, Lugar, Murkowski, and Dole declares that it is in the interest of the United States to pursue the establishment of a Pacific Basin Forum for the discussion of issues of major interest to countries in the Pacific Basin region. This provision also urges the President to call for the convening of an annual summit meeting with the leaders of key Pacific Rim nations. In seeking to establish a Pacific Basin Forum, this section makes it the policy of the United States to encourage the exchange of proposals to promote free trade and economic development in the region, as well as the reduction of military tensions.

Section 910—Democracy, Human Rights and Justice in the People's Republic of China

This section, offered by Senator Helms, expresses the sense of the Congress that the leadership of the People's Republic of China should take all necessary steps to establish a just and democratic society. It also calls upon the Secretary of State to communicate to the the leadership of the People's Republic of China that official violence directed at those who peacefully demonstrate for democracy, liberty and justice will seriously damage relations with the United States.

Section 911—Support for the Benjamin Franklin House Museum and Library

This provision recognizes June 17, 1990 as the bicentennial of Benjamin Franklin's death and acknowledges the efforts of the Friends of Benjamin Franklin House and the American Franklin Friends Committee to restore and maintain as a museum and library the only surviving residence of Benjamin Franklin. The residence is in London.

Section 912—Report Concerning an International Agricultural Conservation Reserve

This provision, offered by Senator Pressler, requires the Secretary of State, in consultation with other Federal agencies, to provide the Congress with a report on the feasibility of negotiating an international agreement or treaty to establish an international agricultural conservation reserve to protect fragile agricultural soils. The provision specifies certain areas to be covered by the report.

Section 913—High Seas Driftnet Fishing

This provision, offered by Senator Murkowski, provides additional clarification of the intent of Congress with respect to requirements for international agreements on drift gillnet fisheries on the high seas, and requests the President to consider the adoption of a new policy, consistent with the customary principles of international law, to allow agents of the United States to board foreign fishing vessels engaged in fishing or fishing-related activities in international waters beyond the United States Exclusive Economic Zone in

cases where United States' authorities have reason to believe a foreign fishing vessel is operating in a manner that violates either United States' fisheries law or customary principles of international fisheries law.

In addressing this issue, the Committee considers it reasonable to explore whether current policy on boardings is restrictive to the point of hampering the legitimate operations of government agencies charged with the conservation of U.S. fisheries stocks and the enforcement of domestic laws and international agreements on fisheries, and whether it may be in the best interest of the United States to modify such policy to allow more effective information gathering and other activities.

Section 914—Chemical and Biological Weapons Suppliers Group

This provision, offered by Senator Pressler, expresses the sense of the Congress that the United States should initiate the establishment of a formal COCOM-type organization of supplier nations for the purpose of coordinating policies to control the export of chemicals, biological agents, technology, equipment, and any other material that can be used in the manufacture of chemical and biological weapons.

Cost Estimate

It is impracticable for the Committee to provide the cost estimates required by Rule XXVI 11(a) paragraphs (1) and (2) because the Congressional Budget Office's analysis of the bill as ordered reported by the Committee has not been completed and received by the Committee.

Evaluation of Regulatory Impact

In accordance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee has concluded that there will be no regulatory impact from enactment of this legislation.

Changes in Existing Law

In compliance with paragraph 12 of Rules XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

State Department Basic Authorities Act of 1956

TITLE I—BASIC AUTHORITIES GENERALLY

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Sec. 2. * * *

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(g) obtain services as authorized by section 3109 of title 5, United States Code, at a rate not to exceed the maximum rate payable for GS–18 under section 5332 of such title 5; [and]

(h) directly procure goods and services in the United States or abroad, solely for use by United States Foreign Service posts abroad when the Secretary of State, in accordance with guidelines established in consultation with the Administrator of General Services, determines that use of the Federal Supply Service or otherwise applicable Federal goods and services acquisition authority would not meet emergency overseas security requirements determined necessary by the Secretary, taking into account overseas delivery, installation, maintenance, or replacement requirements, except that the authority granted by this paragraph shall cease to be effective when the amendment made by section 2711 of the Competition in Contracting Act of 1984 takes effect and thereafter procurement by the Secretary of State for the purposes described in this paragraph shall be in accordance with section 303(c)(2) of the Federal Property and Administrative Services Act of [1949.] *1949;*

(i) pay obligations assumed in Germany on or after June 5, 1945;

(j) provide telecommunications services; and

(k) provide maximum physical security in Government-owned and leased properties and vehicles abroad.

* * * * * * *

Sec. 13. (a) There is hereby established a working capital fund for the Department of State, which shall be available without fiscal year limitations, for expenses (including those authorized by the Foreign Service Act of 1980) and equipment, necessary for maintenance and operation in the city of Washington and elsewhere of (1) central reproduction, editorial, data processing, audiovisual, library and administrative support services; (2) central services for supplies and equipment (including repairs) (3) such other administrative services as the Secretary, with the approval of the Bureau of the Budget, determines may be performed more advantageously and more economically as central services; *and* (4) medical and health care services. [; and (5) services and supplies to carry out title II of this Act.] *Such fund shall also be available without fiscal year limitation to carry out the purpose of title II of this Act.* The capital of the fund shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of State, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will approximate the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts as of the close of each

fiscal year, earnings which the Secretary determines to be excess to the needs of the fund.

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TITLE I—BASIC AUTHORITIES GENERALLY

Section 1. * * *

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Sec. 24. (a) * * *
(b)(1) * * *

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(4)(A) Not later than the end of the two-fiscal year period immediately succeeding the end of the last fiscal year for which appropriations (other than no-year appropriations) for any account under the heading "Administration of Foreign Affairs" have been made available to the Department of State, amounts obligated during the period of availability may, if deobligated after expiration of the period of availability for obligation for such appropriations, be transferred into and merged with the "Buying Power Maintenance Account".

(B) For purposes of subparagraph (A), the term "no-year appropriations" means appropriations which are made available without regard to any fiscal year limitation.

[(4)**]** *(5)* In order to offset adverse fluctuations in foreign currency exchange rates or overseas wage and price changes, the Secretary of State may transfer from the Buying Power Maintenance account to any appropriation account under the heading "Administration of Foreign Affairs" such amounts as the Secretary determines are necessary to maintain the approved level of operations under that appropriation account.

[(5)**]** *(6)* Funds transferred by the Secretary of State from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Secretary from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

[(6)**]** *(7)* Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price change in order to maintain approved levels.

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(d) * * *

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(e) If—

(1) the amount appropriated (or made available in the event of a sequestration order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law

99-177, as amended)) for a fiscal year pursuant to any authorization of appropriations provided by an Act other than an appropriation Act is less than the amount authorized to be appropriated, and

(2) a provision of that Act provides that a specified amount of the amount authorized to be appropriated shall be available only for a certain purpose,

then the amount so specified shall be reduced for that fiscal year to an amount which bears the same ratio to the specified amount as the amount appropriated (or made available in the event of sequestration) bears to the amount authorized to be appropriated.

(f) Amounts authorized to be appropriated for a fiscal year for the Department of State are authorized to be obligated for twelve-month contracts which are to be performed in two fiscal years, if the total amount for such contracts is obligated in the earlier fiscal year.

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Sec. 26. (a) * * *

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(b) The authority available to the Secretary of State under this section shall be available to the Director of the [International Communication Agency] *United States Information Agency, the chairman of the Board for International Broadcasting,* and the Director of the United States International Development Cooperation Agency with respect to their respective agencies.

Sec. 31. (a) * * *

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(d) Charges at any post abroad for a service or facility provided, authorized or assisted under this section shall be at the same rate for all civilian personnel of the Government serviced thereby, and all charges for supplies furnished to such a service or facility abroad by any agency shall be at the same rate as that charged by the furnishing agency to its comparable civilian services and facilities.

(2) The Secretary of State may make grants to child care facilities, to offset in part the cost of such care, in Moscow and at no more than five other posts abroad where the Secretary determines that due to extraordinary circumstances such facilities are necessary to the efficient operation of the post. In making that determination, the Secretary shall take into account factors such as—

(1) whether Foreign Service spouses are encouraged to work at the post because—

(A) the number of members of the post is subject to a ceiling imposed by the receiving country; and

(B) Foreign Service nationals are not employed at the post; and

(2) whether local child care is available.

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SPECIAL AGENTS

Sec. 37. (a) GENERAL AUTHORITY.—Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

(1) conduct investigations concerning illegal passport or visa issuance or use;

(2) For the purpose of conducting such investigation—

(A) obtain and execute search and arrest warrants, and

(B) make arrests without warrant for any offense concerning passport or visa issuance or use if the special agent has reasonable gounds to believe that the person has committed or is committing such offense;

[(B)] *(C)* obtain and serve subpoenas and summonses issued under the authority of the United States;

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[(5) arrest without warrant any person for a violation of section 111, 112, 351, 911, 970, 1001, 1028, 1541, 1542, 1543, 1544, 1545, or 1546 of title 18, United States Code—]

(5) arrest without warrant any person for a violation of section 111, 112, 351, 970, or 1028 of title 18, United States Code—

* * * * * * *

SEC. 43. PROHIBITION ON SOLICITATION OF FUNDS TO FURTHER PROHIBITED OR RESTRICTED UNITED STATES GOVERNMENT ACTIONS.

(a) PROHIBITION.—Notwithstanding any other provision of law, no officer or employee of the United States Government may solicit the provision of funds or material assistance by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, for the purpose of furthering any military, foreign policy, or intelligence activity for which funds are expressly prohibited or restricted by United States law.

(b) PENALTY.—Any person who violates the provision of subsection (a) shall be imprisoned not more than 5 years or fined in accordance with title 18, United States Code, or both.

(c) DEFINITION.—For purposes of this section, the term "person" includes (1) any natural person, (2) any corporation, partnership, or other legal entity, and (3) any organization, association, or other group.

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit the full Constitutional powers of the President to conduct the foreign policy of the United States.

SEC. 44. FEES RECEIVED FOR USE OF BLAIR HOUSE.

(a) USE OF FEES.—Notwithstanding any other provision of law, for fiscal year 1990, funds received by the Department of State in connection with use of Blair House, including reimbursements and surcharges for services and goods provided and fees for use of Blair House facilities, may be credited to the appropriate appropriation account for the Department of State which is currently available. Such receipts shall be available only for maintenance and other expenses of Blair House.

(b) COMPLIANCE WITH THE BUDGET ACT.—The authority of this section may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.

SEC. 45. GRANTS FOR TRAINING AND EDUCATION IN INTERNATIONAL AFFAIRS.

The Secretary of State may make grants to postsecondary educational institutions or students for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service, consistent with section 105 of the Foreign Service Act of 1980. To the extent possible, the Secretary shall give special emphasis to promoting such knowledge and awareness of the Foreign Service among minority students. Any grants awarded shall be made pursuant to regulations to be established by the Secretary of State, which shall provide for a limit on the size of any specific grant and, regarding any grants to individuals, shall ensure that no grant recipient receives an amount of grants from one or more Federal programs which in the aggregate would exceed the cost of his or her education, and shall require satisfactory educational progress by grantees as a condition of eligibility for continued receipt of grant funds.

[Sec. 43.] *Sec. 46.* This Act may be cited as the State Department Basic Authorities Act of 1956.

Sec. 203. (a) * * *

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(c) The Secretary may authorize the Director to—

(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;

(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; **[**and**]**

(3) dispose of property acquired in carrying out the purposes of this Act; and

[(3)**]** *(4)* perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

Sec. 204. (a) * * *

(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

(1) to facilitate relations between the United States and a sending State,

(2) to protect the interests of the United States,

(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, **[**or**]**

(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State, *or*

(5) to implement an exchange of property with a foreign country, such property to be used by each government in the receiving state for or in connection with diplomatic or consular establishments,

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(e) Nothing in this title shall be deemed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3, United States Code, or section 3056 of title 18, United States Code, at a level commensurate with protective requirements as determined by the United States Secret Service.

(f)(1) Upon a determination in each specific case by the Secretary of State or his designee that the purpose of the Foreign Service Buildings Act, 1926, can best be met on the basis of an in-kind exchange of properties with a foreign country pursuant to subsection (b)(5), the Secretary of State may transfer funds made available under the heading "Acquisition and Maintenance of Buildings Abroad" for such purposes, including funds held in the Foreign Service Buildings Fund, to the Working Capital Fund, as provided in section 208(h)(1). In addition to any funds that may be provided by a foreign government for the purchase of property, only funds transferred to the Working Capital Fund from the"Acquisition of Maintenance of Buildings Abroad" account or the Foreign Service Buildings Fund account may be used for the purposes of subsection (b)(5).

(2) The Secretary of State may acquire property in the United States for the purposes of subsection (b)(5) only in the context of a specific reciprocal agreement with a specified foreign government. Property acquired by the United States in the foreign country through such an exchange shall benefit the United States at least to the same extent as the property acquired in the United States benefits the foreign government.

(3)(A) Proceeds from disposition of properties acquired pursuant to this subsection shall be credited to the Foreign Service Buildings Fund under section 9 of the Foreign Service Buildings Act, 1926.

(B) The authority of subparagraph (a) may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.

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The Arms Export Control Act

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Sec. 38. Control of Arms Exports and Imports.—(a)(1) * * *

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(b)(1) * * *

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(3)(A) For [each of the fiscal years 1988 and 1989] *fiscal year 1990*, $250,000 of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

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(g)(1) * * *

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(9) * * *

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(10) In order to assure prompt processing of license applications under this section, the office primarily responsible for export licensing functions under this section shall—

(A) notify applicants, within 10 days of receiving an application, of any outside agency referrals the application must undergo.

(B) set 30 calendar days as a target for making a determination on most license applications for exports to any member country of the North Atlantic Treaty Organization (NATO) and other major allies, as determined in accordance with section 27 of this Act.

(C) report on a semiannual basis to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives as to what percentage of cases handled in the previous period have fallen within these time frames.

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The Foreign Assistance Act of 1961, as Amended

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Chapter 6—Central America Democracy, Peace, and Development Initiative

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Chapter 7—Joint Commissions on Rural Development * * * [Repealed—1978]

Chapter 7—Debt-for-Nature Exchanges

Sec. 461. Definition.—For purposes of this chapter, the term "debt-for-nature exchange" means the cancellation of the foreign debt of the government of a country in exchange for—

(1) that government's making available local currencies (including through the issuance of bonds) which are used only for eligible projects involving the conservation or protection of the environment in that country (as described in section 463); or

(2) that government's financial resource, and policy commitment to take certain specified actions to ensure the restoration, protection, or sustainable use of natural resources within that country; or

(3) a combination of assets and actions under both paragraphs (1) and (2).

Sec. 462. Assistance for Commercial Debt Exchanges.—(a) The Administrator of the Agency for International Development is authorized to furnish assistance, in the form of grants on such terms and conditions as may be necessary, to nongovernmental organizations for the purchase on the open market of discounted commercial debt of a foreign government of an eligible country which

will be canceled under the terms of an agreement with that government as part of a debt-for-nature exchange.

(b) Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in subsection (a) may retain interest earned on the proceeds of any resulting debt-for-nature exchange pending their disbursement for approved program purposes without deposit in the Treasury of the United States and without further appropriation by the Congress.

SEC. 463. ELIGIBLE PROJECTS.—(a) The Administrator of the Agency for International Development shall seek to ensure that debt-for-nature exchanges under this chapter support one or more of the following activities by either the host government, a local private conservation group, or a combination thereof:

(1) restoration, protection, or sustainable use of the world's oceans and atmosphere;

(2) restoration, protection, or sustainable use of diverse animal and plan species;

(3) establishment, restoration, protection, and maintenance of parks and reserves;

(4) development and implementation of sound systems of natural resource management;

(5) development and support of local conservation programs;

(6) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;

(7) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

(8) design and implementation of sound programs of land and ecosystem management; and

(9) promotion of regenerative approaches in farming, forestry, fishing, and watershed management.

(b)(1) In cooperation with nongovernmental organizations, the Administrator of the Agency for International Development shall seek to identify those areas, which because of an imminent threat, are in particular need of immediate attention to prevent the loss of unique biological life or valuable ecosystem.

(2) The Administrator of the Agency for International Development shall encourage as many eligible countries as possible to propose such exchanges with the purpose of demonstrating to a large numbers of governments the feasibility and benefits of sustainable development.

SEC. 464. ELIGIBLE COUNTRIES.—In order for a foreign country to be eligible to participate in a debt-for-nature exchange under this chapter, the Administrator of the Agency for International Development shall determine that—

(1) the host country is fully committed to the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange;

(2) a long-term plan has been prepared by the host country, or private conservation group, which adequately provides for the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange or that such a plan will be prepared in a timely manner; and

(3) there is a government agency or a local nongovernmental organization, or combination thereof, in the host country with the capability, commitment, and record of environmental concern to oversee the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange.

SEC. 465. TERMS AND CONDITIONS.—(a) The terms and conditions for making grants under this chapter shall be deemed to be fulfilled upon final approval by the Administrator of the Agency for International Development of the debt-for-nature exchange, a certification by the nongovernmental organization that the host government has accepted the terms of the exchange and that the commercial debt has been canceled in the agreed upon fashion.

(b) Grants made under this section are intended to complement, and not substitute for, assistance otherwise available to a foreign country under this Act or any other provision of law.

(c) The United States Government is prohibited from accepting title or interest in any land in a foreign country as a condition on the debt exchange.

SEC. 466. PILOT PROGRAM FOR SUB-SAHARAN AFRICA.—(a) The Administrator of the Agency for International Development, in cooperation with nongovernmental conservation organizations, shall invite the government of each country in sub-Saharan Africa to submit a list of those areas of severely degraded national resources which threaten human survival and well-being and the opportunity for future economic growth or those areas of biological or ecological importance within the territory of that country.

(b) The Administrator of the Agency for International Development shall assess the list submitted by each country under subsection (a) and shall seek to reach agreement with the host country for the restoration and future sustainable use of those areas.

(c)(1) The Administrator of the Agency for International Development is authorized to make grants, on such terms and conditions as may be necessary to nongovernmental organizations for the purchase on the open market of discounted commercial debt of a foreign government of an eligible sub-Saharan country in exchange for commitments by that government to restore natural resources identified by the host country under subsection (a) or for commitments to develop plans for sustainable use of such resources.

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(2) Notwithstanding any other provision of law, a grantee (or subgrantee) under this subsection may retain interest earned on the proceeds of any resulting debt-for-nature exchange pending their disbursement for approved program purposes without deposit in the Treasury of the United States and without further appropriation by the Congress.

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Chapter 8—International Narcotics Control

Sec. 481. International Narcotics Control.—(a) * * *

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[(B)(i) Any joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

[(ii) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.]

(B) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as privileged in the Senate or as highly privileged in the House of Representatives.

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Sec. 620E. Assistance to Pakistan.—* * *

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SEC. 620F. PROHIBITION ON ASSISTING THIRD PARTIES TO FURTHER PROHIBITED OR RESTRICTED UNITED STATES GOVERNMENT ACTIONS.—

(a) PROHIBITION.—(1) Whenever funds for any military, foreign policy, or intelligence activity with respect to a specific foreign region, country, government, group, or individual are expressly prohibited or restricted by United States law, no United States assistance shall be provided to any third party which would have the purpose or direct effect of furthering or carrying out the prohibited or restricted activity.

(2) As used within the meaning of paragraph (1), assistance which is provided under an arrangement conditioning, expressly or impliedly, action by the recipient to further that purpose.

(b) DEFINITION.—For purposes of this section, the term "United States assistance" means—

(1) assistance of any kind under the Foreign Assistance Act of 1961;

(2) sales, credits, and guaranties under the Arms Export Control Act;

(3) export licenses issued under the Arms Export Control Act, and

(4) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order No. 12333 (December 4, 1981), excluding any activity involving the provision or sharing of intelligence information.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit the full Constitutional powers of the President to conduct the foreign policy of the United States.

FOREIGN ASSISTANCE ACT OF 1969

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Sec. 401. * * *

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[(s)(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of $50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

[(2) There are authorized to be appropriated $11,969,000 for fiscal year 1986 and $11,969,000 for the fiscal year 1987 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended.]

(s)(1) There are authorized to be appropriated $16,932,000 for fiscal year 1990 to carry out the purposes of this section.

(2) Amounts appropriated under paragraph (1) are authorized to remain available until expended.

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Foreign Relations Authorization Act, Fiscal Years 1988 and 1989

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SEC. 151. UNITED STATES-SOVIET EMBASSY AGREEMENT; PROHIBITION ON USE OF MT. ALTO SITE.

[(a) FINDINGS.—The Congress finds that—

[(1) the Government of the Union of Soviet Socialist Republics has intentionally and substantially violated international agreements with the United States concerning the establishment and operation of the new United States Embassy complex in Moscow by significantly delaying progress and by constructing the premises of that Embassy so as to compromise the security of United States operations, thus rendering the premises unusable for the primary purpose intended under those agreements;

[(2) the Soviet Government's actions constitute a material violation of international law and a substantial default in performance under the contract for construction of the new United States Embassy complex, and the United States is entitled to claim appropriate compensation;

[(3) due to actions of the Government of the Union of Soviet Socialist Republics United States Government personnel cannot pursue their official duties in confidence, as the national security and diplomatic relations of the United States requires, within the new United States Embassy being constructed in Moscow;

[(4) the Government of the Union of Soviet Socialist Republics has similarly taken steps to impair the full and proper use of the present United States Embassy in Moscow, to the detriment of the national security of the United States and its ability to conduct diplomatic relations;

[(5) as a result of the substantial violations by the Soviet Union of these international agreements with the United States and other Soviet violations of international law, the United States is entitled to terminate, in whole or in part, those agreements;

[(6) termination of such agreements may include withdrawal of rights and privileges otherwise granted to the Soviet Union concerning the establishment of a new Soviet Embassy complex in Washington, District of Columbia;

[(7) the location of the new Soviet Embassy on Mount Alto creates serious concerns with respect to electronic surveillance and potential damage to the national security of the United States; and

[(8) to protect the national security of the United States, therefore, the United States should exercise its right to terminate the Embassy agreements in view of the substantial and intentional Soviet breaches thereof, unless the threat to the national security posed by adherence to those agreements can be overcome.

[(b) WITHDRAWAL FROM EMBASSY AGREEMENT.—The United States shall withdraw from the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings unless the President makes the determinations and waiver under subsection (c).

[(c) WAIVER.—

[(1) PRESIDENTIAL DETERMINATIONS REQUIRED.—The President may waive subsection (b) if he determines that—

[(A) it is vital to the national security of the United States that the United States not withdraw from the agreement (and related agreements, notes, and understandings) referred to in subsection (b);

[(B) steps have been or will be taken that will ensure that the new chancery building to be occupied by the United States Embassy in Moscow can be safely and securely used for its intended purposes; and

[(C) steps have been or will be taken to eliminate, no later than 2 years after the date of enactment of this Act, the damage to the national security of the United States due to electronic surveillance from Soviet facilities on Mount Alto.

[(2) WHEN DETERMINATIONS MAY BE MADE.—The President may not make the determination and waiver permitted by paragraph (1) before the end of the 6-month period beginning on the date of enactment of this Act.

[(3) REPORT TO CONGRESS.—The waiver permitted by paragraph (1) shall not be effective until 30 days after the determinations and waiver are reported to the Congress. Any such report shall include—

[(A) a detailed justification for each of the determinations;

[(B) an assessment of the impact on national security of the removal of the Soviet Embassy from Mt. Alto; and

[(C) specify the steps that have been or will be taken to achieve the requirements of paragraphs (1) (B) and (C).

(4) NONDELEGATABILITY.—The President may not delegate the responsibility for making the determination and waiver permitted by paragraph (1).

[(d) NOTIFICATION OF UNAVAILABILITY OF MOUNT ALTO.—If the President does not waive subsection (b), the Secretary of State shall notify the Government of the Union of Soviet Socialist Republics that the Mount Alto site will cease to be available to that Government for any purpose as of the date which is 1 year and 10 days after the earliest date on which the President could make the waiver under subsection (c).

[(e) PROHIBITION ON FUTURE USE OF MOUNT ALTO SITE BY FOREIGN MISSIONS.—If subsection (b) takes effect, the Mount Alto site may not be made available for use thereafter by a foreign mission for any purpose.]

SEC. 151. UNITED STATES-SOVIET EMBASSY AGREEMENT.

(a) RESTRICTION.—The Soviet Union shall not be permitted to occupy the new chancery building on Mount Alto in Washington, District of Columbia, unless and until the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that—

(1) there is completed a new chancery building for use by the United States Embassy in Moscow which can be safely and securely used for its intended purpose; and

(2) all feasible steps have or will be taken to eliminate the damage to the national security of the United States due to electronic surveillance from Soviet facilities on Mount Alto.

(b) CERTIFICATION DESCRIBED.—Not later than six months after the date of enactment of this section, the President shall terminate the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969), and related agreements, notes, and understandings unless he certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Soviet use of the facility on Mount Alto does not pose a significantly greater threat to the national security of the United States than the potential or actual threat from Soviet use for espionage of existing Soviet facilities in Washington, District of Columbia.

(c) WAIVER.—The President may waive subsection (b) if he determines that it is in the vital national security interest of the United States to do so and reports in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, together with a detailed explanation, in suitably classified form, of the reasons for making this waiver.

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SEC. 153. UNITED STATES-SOVIET RECIPROCITY IN MATTERS RELATING TO EMBASSIES.

(a) * * *

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(b) SOVIET CONSULATES IN THE UNITED STATES.—The Secretary of State shall not allow the Soviet mission to the United States to occupy any new consulate in the United States [until the United States mission in Kiev is able to occupy secure permanent facilities] *except on the basis of reciprocity as to the establishment by the United States of a consulate in Kiev.*

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SEC. 209. AUDIENCE SURVEY OF WORLDNET PROGRAM.

(a) * * *

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[(e) LIMITATION.—No funds authorized to be appropriated to the United States Information Agency shall be expended after October 1, 1988, on the production or acquisition of passive (noninteractive) programs for USIA's Worldnet television service unless—

(1) the survey required by this section has been completed in the manner described by this section;

(2) the report required by this section, along with a copy of the survey results, has been submitted to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives; and

(3) the survey shows with a high degree of reliability that the average daily European audience for the passive (noninteractive) programs of USIA's Worldnet television service is not less than 2,000,000 viewers.]

SEC. 901. PROHIBITION ON EXCLUSION OR DEPORTATION OF ALIENS ON CERTAIN GROUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no nonimmigrant alien may be denied a visa or excluded from admission into the United States, *subject to restrictions or conditions on entry into the United States,* or subject to deportation because of any past, current or expected beliefs, statements or associations which, if engaged in by a United States citizen in the United States, would be protected under the Constitution of the United States.

* * * * * * *

[(d) EFFECTIVE PERIOD.—Subsection (a) shall only apply to—

(1) applications for nonimmigrant visa submitted before January 1, 1991;

(2) admissions sought before March 1, 1991;

(3) deportations based on activities occurring before January 1, 1991, or for which deportation proceedings (including judicial review with respect to such a proceeding) are pending at any time between December 31, 1987 and January 1, 1991.]

Foreign Service Act of 1980

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Sec. 706. Career counseling .....
Sec. 707. Visiting Scholars Program .....

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Sec. 105. Merit Principles; Protections for Members of the Service; and Minority Recruitment.—(a) * * *

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(b) The Secretary shall administer the provisions of this Act and shall prescribe such regulations as may be necessary to ensure that members of the Service, as well as applicants for appointments in the Service—

(1) are free from discrimination on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, *geographic or educational affiliation within the United States,* or political affiliation, as prohibited under section 2302(b)(1) of title 5, United States Code;

Sec. 408. (a) * * *

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(2) The Secretary may make supplemental payments to any civil service annuitant who is a former foreign national employee of the Service (or who is receiving an annuity as a survivor of a former foreign national employee of the Service) in order to offset exchange rate losses, if the annuity being paid such annuitant is based on—

(A) a salary that was fixed in a foreign currency that has appreciated in value in terms of the United States dollar; and

(B) service in a country in which (as determined by the Secretary) the average retirement benefits being received by individuals who retire from competitive local organizations are superior to the local currency value of civil service annuities plus any other retirement benefits payable to foreign national employees who retired during similar time periods and after comparable careers with the Government.

(3)(A) At the direction of the Secretary of State, and whenever a foreign national employee so elects during a one-year period established by the Secretary of the Treasury shall transfer such employee's interest in the Civil Service Retirement and Disability Fund to a trust or other local retirement plan certified by the United States Government, under a local compensation plan established for foreign national employees pursuant to this section (excluding local social security plans).

(B) For purposes of subparagraph (A), the phrase "employee's interest in the Civil Service Retirement and Disability Fund" means the total contributions of the employee and the employing agency with respect to such employee, pursuant to subsections 8331(8) and 8334(a)(1) of title 5, United States Code, respectively, plus interest at the rate provided in subsection 8334(e)(3) of such title.

(C) Any such transfer shall void any annuity rights or entitlement to lump-sum credit under subchapter III of chapter 83 of such title.

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Sec. 602. Selection Boards.—(a) * * *

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(b) * * *

(c) No public members appointed pursuant to this section may be, at the time of their appointment or during their appointment, an agent of a foreign principal, as defined by section 1(b) of the Foreign Agents Registration Act of 1938 or receive income from a government of a foreign country.

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Sec. 610. Separation for Cause.—(a)(1) The Secretary may separate any member from the Service for such cause as will promote the efficiency of the Service.

(2) A member of the Service who is a member of the Senior Foreign Service or is assigned to a salary class in the Foreign Service Schedule and who either (A) is serving under a career appointment, or (B) if separation is to be by reason of misconduct, is serving under a limited appointment, shall not be separated from the Service under this section until the member has been granted a hearing before the Foreign Service Grievance Board and the cause for separation established at such hearing, unless the member waives the right to a hearing *or, notwithstanding section 1106(8) of this Act, unless the member has been convicted of a crime related to the cause for separation, subject to reinstatement with back pay (for any period during which separation for cause had not been established by such a hearing) if such conviction is reversed on appeal.* If such cause is not established at such hearing, the Grievance Board shall have the authority to direct the Department to pay reasonable attorneys fees to the extent and in the manner provided by section 1107(b)(5) of this Act. The hearing procedures applicable to grievances under section 1106 and shall be in lieu of any other administrative procedure authorized or required by this or any other law. *Section 1110 shall also apply to proceedings under this paragraph.*

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Sec. 701. * * *

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Sec. 706. * * *

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SEC. 707. VISTING SCHOLARS PROGRAM.—

(a) ESTABLISHMENT OF PROGRAM.—There is authorized to be established at the Foreign Service Institute a program whereby selected scholars would participate fully in the educational and training activities of the Institute. This program may be referred to as the "Visiting Scholars Program".

(b) SELECTION AND APPOINTMENT OF SCHOLARS.—

(1) Scholars participating in the Visiting Scholar Program shall be selected by a five-member board described in subsection (c).

(2) Each visiting scholar shall serve a term of one year, except that such term may be extended for one additional one-year period.

(c) ESTABLISHMENT OF SELECTION BOARD.—The board described in subsection (b) shall be composed of the Director of the Foreign Service Institute, who shall serve as Chairman, and four other members appointed by the Secretary of State.

Sec. 816. Creditable Service.—(a) * * *

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(i)(1) * * *

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[(2) A former spouse shall not be considered as married to a participant—

[(A) for periods assumed to be creditable service under section 808(a) or section 809(e), or

[(B) for any extra period of creditable service provided under section 817 for service of a participant at an unhealthful post unless the former spouse resided with the participant at that post during that period.]

(2) A former spouse shall not be considered as married to a participant for periods assumed to be creditable service under section 808(a) or section 809(e).

Sec. 817. Extra Credit for Service at Unhealthful Posts.—The Secretary of State may from time to time establish a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts. Each year of duty at such posts, inclusive of regular leaves of absence, shall be counted as one and a half years in computing the length of the service of a participant for the purpose of retirement, fractional months being considered as full months in computing such service. No such extra credit for service at such unhealthful posts shall be credited to any participant who is paid a differential under section 5925 or 5928 of title 5, United States Code, for such service. *Such extra credit shall not be used to determine the eligibility of a person to qualify as a former spouse under this subchapter, or to compute the pro rata share under section 804(10). No extra credit for service at unhealthful posts shall be given under this section for any service as part of a tour of duty, or extension thereof, commencing on or after the effective date of the Foreign Relations Authorization Act, Fiscal Year 1990.*

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Sec. 830. Retirement Benefits For Certain Former Spouses.—(a) * * *

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(e) Nothing in this section shall be construed to impair, reduce or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

(f) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency for International Development, shall be entitled to benefits under this section if—

(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing

agency could legally participate in the Foreign Service Retirement and Disability System; and

(2) the marriage included at least five years during which the employee was assigned overseas.

Sec. 831. Survivor Benefits For Certain Former Spouses. * * *

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(f) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

(g) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency of International Development, shall be entitled to benefits under this section if—

(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System; and

(2) the marriage included at least five years during which the employee was assigned overseas.

Sec. 832. Health Benefits For Certain Former Spouses.—(a)

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(e) For purposes of this section the term "health benefits plan" means an approved health benefits plan under chapter 89 of title United States Code.

(f) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to subsections (a), (b) and (c) of this section, but who was married to a former Foreign Service employee of this United States Information Agency or of the Agency for International Development, shall be entitled to benefits under this section if—

(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System; and

(2) the marriage included at least five years during which the employee was assigned overseas.

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Sec. 901. Travel and Related Expenses. The Secretary may pay the travel and related expenses of members of the Service and their families, including costs or expenses incurred for—

(1) * * *

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(9) round-trip travel [from a location] *to or from an employee's assigned post* abroad for purposes of family visitation in emergency situations involving personal hardship;

Employee Polygraph Protection Act of 1988

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SEC. 7. EXEMPTIONS.

(a) * * *

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(d) DEPARTMENT OF STATE CONTRACTORS EXEMPTION.—Nothing in this Act shall be construed to prohibit the administration, by the Department of State, in the performance of any counterintelligence function, of any lie detector test, administered under regulations implementing the Department's polygraph program, to any individual under contract to the Department of State or any employee of a contractor or subcontractor of the Department of State, who is engaged in the performance of any work under that contract or subcontract.

[(d)] *(e)* LIMITED EXEMPTION FOR ONGOING INVESTIGATIONS.—Subject to sections 8 and 10, this Act shall not prohibit an employer from requesting an employee to submit to a polygraph test if—

(1) the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, such as theft, embezzlement, misappropriation, or an act of unlawful industrial espionage or sabotage;

(2) the employee had access to the property that is the subject of the investigation;

(3) the employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation; and

(4) the employer executes a statement, provided to the examinee before the test, that—

(A) sets forth with particularity the specific incident or activity being investigated and the basis for testing particular employees,

(B) is signed by a person (other than a polygraph examiner) authorized to legally bind the employer,

(C) is retained by the employer for at least 3 years, and

(D) contains at a minimum—

(i) an identification of the specific economic loss or injury to the business of the employer,

(ii) a statement indicating that the employee had access to the property that is the subject of the investigation, and

(iii) a statement describing the basis of the employer's reasonable suspicion that the employee was involved in the incident or activity under investigation.

[(e)] *(f)* EXEMPTION FOR SECURITY SERVICES.—

(1) IN GENERAL.—Subject to paragraph (2) and sections 8 and 10, this Act shall not prohibit the use of polygraph tests on prospective employees by any private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations

issued by the Secretary within 90 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power,

(ii) public water supply facilities,

(iii) shipments or storage of radioactive or other toxic waste materials, and

(iv) public transportation, or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) ACCESS.—The exemption provided under this subsection shall not apply if the test is administered to a prospective employee who would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

[(f)] *(g)* EXEMPTION FOR DRUG SECURITY, DRUG THEFT, OR DRUG DIVERSION INVESTIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2) and sections 8 and 10, this Act shall not prohibit the use of a polygraph test by any employer authorized to manufacture, distribute, or dispense a controlled substance listed in schedule I, II, III, or IV of section 202 of the Controlled Substances Act (21 U.S.C. 812).

(2) ACCESS.—The exemption provided under this subsection shall apply—

(A) if the test is administered to a prospective employee who would have direct access to the manufacture, storage, distribution, or sale of any such controlled substance, or

(B) in the case of a test administered to a current employee, if—

(i) the test is administered in connection with an ongoing investigation of criminal or other misconduct involving, or potentially involving, loss or injury to the manufacture, distribution, or dispensing of any such controlled substance by such employer, and

(ii) the employee had access to the person or property that is the subject of the investigation.

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Migration and Refugee Assistance Act of 1962

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Sec. 8. AUDITS OF U.S. FUNDS RECEIVED BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.

[(a) PROGRAM AUDITS.—Funds may not be made available to the United Nations High Commissioner for Refugees under this or any other Act unless by June 1, 1986, the High Commissioner provides for—

(1) annual program audits by an independent consultant, as selected by the Executive Committee of the United Nations High Commissioner for Refugees, to determine the use of such funds by private and voluntary organizations; and

(2) such audits to be made available through the Executive Committee to the Department of State and for inspection by the Comptroller General of the United States.]

(a) PROGRAM AUDITS.—Funds may not be available to the United Nations High Commissioner for Refugees (UNHCR) under this or any other Act unless provision is made for—

(1) annual program audits to determine the use of UNHCR funds, including the use of such funds by implementing partners; and

(2) such audits are made available through the Department of State for inspection by the Comptroller General of the United States.

Mutual Educational and Cultural Exchange Act of 1961, as amended (Fulbright-Hays Act)

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Sec. 101. * * *

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Sec. 106. (a)(1) For the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs authorized under section 102(a)(1) of this Act, and of supervising such programs and the programs authorized under section 102(b)(4) and (6), there is hereby continued the authority of the President to appoint a [Board of Foreign Scholarships] *board of foreign scholarships which shall be known as the "J. William Fulbright Scholarship Board"* (hereinafter referred to as the "Board") consisting of twelve members. In connection with appointments to such Board, due consideration shall be given to the selection of distinguished representatives of cultural, educational, student advisory, and war veterans groups, and representatives of the United States Office of Education, the United States Veterans' Administration, public and private nonprofit educational institutions.

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Sec. 112. (a) * * *

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(b)(1) All recipients of Fulbright Academic Exchange and Humphrey Fellowship awards shall have full academic and artistic freedom, including freedom to write, publish, and create. No award granted pursuant to this Act may be revoked or diminished on account of the political views expressed by the recipient or on account of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in universities in the United States. The Board shall ensure that the academic and artistic freedoms of all persons receiving grants are protected.

(2) The J. William Fulbright Scholarship Board shall formulate a policy on revocation of Fulbright grants which shall be made known to all grantees. Such policy shall fully protect the right to due process as well as the academic and artistic freedom of all grantees.

[(b)] *(c)* The President shall insure that all programs under the authority of the Bureau shall maintain their nonpolitical character and shall be balanced and representative of the diversity of American political, social, and cultural life. The President shall insure

that academic and cultural programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

[(c)] *(d)* The Bureau shall administer no programs except those operating under the authority of this Act and consistent with its purposes.

(e) There is established in the Bureau of Educational and Cultural Affairs an Office of Citizen Exchanges. The Office shall support private not-for-profit organizations engaged in the exchange of persons, including youth, between the United States and other countries.

SEC. 113. UNITED STATES-SOVIET EXCHANGES.—(a) The President is authorized to negotiate and implement an agreement with the Union of Soviet Socialist Republics under which repayments made by the Soviet Union on Lend-Lease debts to the United States would be used to finance the exchange of persons between the United States and the Soviet Union for educational, cultural, and artistic purposes. Exchanges authorized by this section shall be administered pursuant to the provisions of this Act. Part of the funds repaid to the United States shall be in convertible currency for the purpose of paying the expenses associated with study and other exchange activities by Soviet citizens in the United States.

(b) Funds made available for the purposes of this section shall be available only to the extent and in the amounts provided for in an appropriation Act.

Omnibus Diplomatic Security and Antiterrorism Act of 1986

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Sec. 414. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.....

Sec. 415. Use of cleared personnel to ensure secure maintenance and repair of diplomatic facilities abroad.....

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SECTION 1. * * *

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SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

(a) * * *

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[(2) bid on diplomatic construction or design project which involves physical or technical security.]

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(2) bid on a diplomatic construction or design project which involves physical or technical security, unless—

(A) the project is for the design or construction of a facility of the United States Information Agency that does not process or store classified material; and

(B) the total value of the project does not exceed $500,000.

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SEC. 414. PROHIBITION OF THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK.

None of the funds authorized to be appropriated by this Act may be obligated or expended for site acquisition, development, or construction of any facility in Israel, Jerusalem, or the West Bank.

SEC. 415. USE OF CLEARED PERSONNEL TO ENSURE SECURE MAINTENANCE AND REPAIR OF DIPLOMATIC FACILITIES ABROAD.

(a) POLICIES AND REGULATIONS.—The Secretary of State shall develop and implement policies and regulations to provide for the use of persons who have been granted an appropriate United States security clearance to ensure that the security of areas intended for the storage of classified materials or the conduct of classified activities in a United States diplomatic mission or consular post abroad is not compromised in the performance of maintenance and repair services in those areas.

(b) STUDY AND REPORT.—The Secretary of State shall conduct a study of the feasibility and necessity of requiring that, in the case of certain United States diplomatic facilities abroad, no contractor shall be hired to perform maintenance or repair services in an area intended for the storage of classified materials or the conduct of classified activities unless such contractor has been granted an appropriate United States security clearance. Such study shall include but is not limited to United States facilities located in Cairo, New Delhi, Riyadh, and Tokyo. Not later than 180 days after the date of the enactment of this section, the Secretary of State shall report the results of such a study to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House.

Radio Broadcasting to Cuba Act

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Sec. 3. (a) In order to carry out the objectives set forth in section 2, *and notwithstanding the limitation of section 501 of the United States Information and Educational Exchange Act of 1948 with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent* the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the opening communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

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[BOARD FOR RADIO BROADCASTING TO CUBA] *ADVISORY BOARD FOR CUBA BROADCASTING*

Sec. 5. [(a) There is established within the Office of the President the Advisory Board for Radio Broadcasting to Cuba (hereafter in this Act referred to as the "Board"). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Board to serve as Chairman.

[(b) The Board shall review the effectiveness of the activities carried out under this Act and shall make such recommendations to the President, the Director and the Associate Director for Broadcasting of the United States Information Agency as it may deem necessary.]

(a) There is established within the Office of the President the Advisory Board for Cuba Broadcasting (hereafter in this title referred to as the "Board"). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Board to serve as chairperson.

(b) The Board shall review the effectiveness of the activities carried out under this title and the Television Broadcasting to Cuba Act and shall make recommendations to the President and the Director and Associate Director for Broadcasting of the United States Information Agency as the Board may consider necessary.

* * * * * * *

[(d) The head of the Service shall serve, ex officio, as a member of the Board.]

(d) The head of the Cuba Service and the head of the Television Marti Service shall serve, ex officio, as members of the Board.

(e) Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. [The ex officio member] *The ex offfico members* of the Board shall not be entitled to any compensation under this section, but may be allowed travel expenses as provided in the preceding sentence.

United States Information and Educational Exchange Act of 1948, as amended

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Section 1. * * *

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TITLE V—DISSEMINATING INFORMATION ABOUT THE UNITED STATES ABROAD

GENERAL AUTHORIZATION

Sec. 501. *(a)* The Secretary is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad. Any such information (other than "Problems of Commu-

nism" and the "English Teaching Forum" which may be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress.

(b)(1) Notwithstanding the provisions of subsection (a), the Director shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes, and other material prepared for dissemination abroad 12 years after the dissemination of the material abroad or, in the case of such material not disseminated abroad, 12 years after the preparation of the material.

(2) The Director shall be reimbursed for any attendant expenses. Any reimbursement to the Director pursuant to this subsection shall be credited to the applicable appropriation of the United States Information Agency.

(3) The Archivist shall be the official custodian of the material and shall issue necessary regulations to ensure that persons seeking its release have secured and paid for necessary United States rights and licenses and that all costs associated with the provision of the material by the Archivist shall be paid by the persons seeking its release. The Archivist may charge fees to recover such costs, in accordance with section 2116(c) of title 44, United States Code. Such fees shall be paid into, administered, and expended as part of the National Archives Trust Fund.

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SEC. 505. USIA SATELLITE AND TELEVISION.

(a) IN GENERAL.—The Director of the United States Information Agency is authorized to lease or otherwise acquire time on commercial or United States Government satellites for the purpose of transmitting materials and programs of the Agency to posts and other users abroad. The Director is authorized to produce and transmit only where the programs are—

(1) interactive dialogue programs consisting of live interviews and discussions among participants in different locations;

(2) coverage of current events, such as United States elections, candidate debates, and presidential speeches, where such coverage is not available at a reasonable cost from commercial or public television networks;

(3) regular coverage of congressional proceedings, White House news briefings, or State Department news briefings, where such coverage is not available at a reasonable fee from C-Span or other public and commercial television service; or

(4) short news clips to be provided to foreign broadcasters only for rebroadcast at the discretion of the foreign broadcaster.

(b) PREFERENCE FOR NON-GOVERNMENTAL BROADCASTS.—In transmitting programs by satellite pursuant to subsection (a), the Director of the United States Information Agency shall use programs produced by American commercial and public television broadcasters

in preference to material produced by the United Stated Government where such programs are comparable to programs being produced by the United States Information Agency and where such programs are available at a reasonable cost. The United States Information Agency Film and Television Service is authorized to acquire and transmit, by satellite, programs produced by United States commercial and public television networks only if such programs—

(1) are comprised of news, public affairs, artistic, cultural, or scientific programming; and

(2) have been or are being broadcast in the United States.

"(c) ALLOCATION OF FUNDS.—Of the funds made available to the United States Information Agency for fiscal year 1990 for the acquisition, production, and transmission by satellite of television programs, not less than $1,500,000 shall be available for the purchases or use of programs produced with grants from the Corporation for Public Broadcasting or producd by United States Public television networks.

(d) POLICY TOWARD PROGRAMMING BY FOREIGN BROADCASTERS.—The Congress intends that televison programs transmitted by satellite pursuant to this section should supplement the programming of foreign broadcasters and does not intend that the United States Information Agency should establish its own television network in competition with foreign broadcasters or United States commercial and public television networks.

(e) AVAILABILITY OF LEASED TIME TO OTHER GOVERNMENT AGENCIES.—To the extent that significant economies may be achieved by the purchase of large blocks of satellite time, the Director of the United States Information Agency is authorized to acquire such satellite time. Satellite time not utilized by the United States Information Agency, or time in excess of four hours of programming each day, shall be made available to other United States Government agencies on a priority basis and without cost. Satellite time not utilized by the United States Government may be sold to commercial users.

(f) POLICY TOWARD FACILITATING ACCESS TO UNITED STATES PROGRAMMING.—The Congress affirms its belief that the United States free enterprise system, supplemented by public television, provides the highest quality and most objective news and public affairs programming available. The United States Information Agency shall undertake, as a matter of high priority in the field of television, to promote access in foreign countries to the news and public affairs programming of United States commercial and public television networks. Whenever requested by a United States company and permitted by a foreign government, the United States Information Agency shall provide assistance, including use of the United States Information Agency satellite receiving equipment, to facilitate such access.

(g) WAIVER OF RESTRICTIONS.—For Fiscal year 1990, section 209(e) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204), shall not apply with respect to this section.

SEC. 506. VOICE OF AMERICA PRACTICES.

(a) PROHIBITION.—After the enactment of this section, the Voice of America shall not select candidates for employment who must be or are preapproved for employment at the Voice of America by a foreign government or an entity controlled by a foreign government.

(b) EXCEPTION.—The prohibition referred to in this section shall not apply to—

(1) participants in the Voice of America's exchange programs; or

(2) clerical, technical, or maintenance staff at Voice of America offices in foreign countries.

(c) REPORT.—In the event the Director of the United States Information Agency determines that the prohibition referred to in subsection (a) would require the discontinuation of a specific Voice of America foreign language service, then, not less than 90 days before the agency commences recruitment of such candidates, the Director shall submit to the chairmen of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report on—

(1) the number and location of speakers of that foreign language who would be recruited by the Voice of America without violating this section; and

(2) the efforts made by the Voice of America to recruit such persons for employment.

* * * * * * *

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

[**Sec. 604.** (a) The United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8 of Reorganization Plan Numbered 2 of 1977, is hereby redesignated as the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the "Commission").

(b) The Commission shall be composed of seven members who shall be appointed by and serve at the pleasure of the President. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor and business, and professional backgrounds. The President shall designate a member to chair the Commission.

(c) The Commission shall have a staff director who shall be appointed by the Chairman of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission may—

(1) appoint such additional personnel for the staff of the Commission as the Chairman deems necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code.

(d) This section shall enter into force on January 20, 1989. Any provisions of section 8 of Reorganization Plan Numbered 2 of 1977 inconsistent with this section shall no longer have legal effect on that date. The prohibition limiting membership of individuals from the same political party is repealed.]

SEC. 604. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ESTABLISHMENT.—(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy.

(2) The Commission shall consist of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party.

(3) The term of each member shall be 3 years, except that of the original seven appointments, two shall be for a term of 1 year and two shall be for a term of 2 years.

(4) Any member appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of a member's term of office, such member may continue to serve until a successor is appointed and qualified.

(5) The President shall designate a member to chair the Commission.

(b) STAFF.—The Commission shall have a staff director who shall be appointed by the chairperson of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the chairperson of the Commission may—

(1) appoint such additional personnel for the staff of the Commission as the chairperson considers necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code.

(c) DUTIES AND RESPONSIBILITIES.—(1) The Commission shall formulate and recommend to the Director, the Secretary of State, and the President policies and programs to carry out the functions vested in the Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency.

(2) The Commission shall submit to the Congress, the President, the Secretary of State, and the Director annual reports on programs and activities carried out by the Agency, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the Director for effectuating the purposes of the Agency, and the action taken to carry out such recommendations.

(3) The Commission may also submit such other reports to the Congress as it considers appropriate, and shall make reports to the

public in the United States and abroad to develop a better understanding of and support for the programs conducted by the Agency.

(4) The Commmision's reports to the Congress shall include assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the Director have been maintained, and assesments of the attitudes of foreign scholars and governments regarding such activities.

(d) LIMITATION ON AUTHORITY.—The Commission shall have no authority with respect to the J. William Fulbright Scholarship Board or the United States National Commission for UNESCO.

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BASIC AUTHORITY

Sec. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not available *when job vacancies occur,* and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) for such time and under such conditions and procedures as may be established by the Director of the International Communication Agency and the Attorney General;

* * * * * * *

USE OF ENGLISH-TEACHING PROGRAM FEES

[Sec. 810. Notwithstanding the provisions of section 3302(b) of title 31, United States Code, or any other law or limitation of authority, all payments received by or for the use of the United States Information Agency from or in connection with English-teaching and library services conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act.]

* * * * * * *

SEC. 810. Notwithstanding section 3302 of title 31 of any other law or limitation of authority, all payments received by or for the use of the United States Information Agency from or in connection with Agency-produced publications, English-teaching, and library programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applica-

ble appropriation to such extent as may be provided in advance in an appropriation Act.

The Asia Foundation Act

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TITLE IV—THE ASIA FOUNDATION

Sec. 401. * * *

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FUNDING

[Sec. 404. There is authorized to be appropriated to the Secretary of State $13,700,000 for the fiscal year 1988 and $15,000,000 for the fiscal year 1989 for grants to The Asia Foundation pursuant to this title.**]**

SEC. 404. There are authorized to be appropriated to the Secretary of State $18,000,000 for fiscal year 1990 for grants to The Asia Foundation pursuant to this title.

Foreign Service Buildings

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Sec. 9. (a) The Secretary of State is authorized—

(1) to sell, exchange, lease, or license any property or property interest acquired under this Act, or under other authority, for use of diplomatic and consular establishments in foreign countries *or in the United States pursuant to section 204(b)(5) of the State Department Basic Authorities Act of 1956.*

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International Center Act

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Sec. 4. (a) * * *

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(c)(1) The Department of State is authorized to charge other United States Government agencies for the lease or use of facilities located at the International Center and use for the purposes of security and maintenance. Any payments received for lease or use of such facilities shall be credited to the account entitled "International Center, Washington, District of Columbia" and shall be available, without fiscal year limitation, to cover the operating expenses of such facilities, including administration, maintenance, utilities, repairs, and alterations.

(2) The authority of paragraph (1) shall be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.

Internal Revenue Code of 1986

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§ 872. Gross income

(a) General rule.— * * *

(1) * * *

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(6) Application to different types of transportation.— * * *

(7) PAYMENTS FOR STUDY, SCHOLARLY ACTIVITY, AND TRAINING.—

(A) An amount received by a nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act, which amount is provided for study, research, advanced scholarly activity, and training of the individual in the United States in programs financed by the United States Government under the Foreign Assistance Act of 1961 and the Mutual Educational and Cultural Exchange Act of 1961, including the value of contributed services and accommodations and any amount received to cover expenses for research, clerical help or equipment, food and lodging, travel, medical costs or any other expenses that are incident to such activity. An individual may claim the exclusion in this subparagraph for no more than 5 years.

(B) If the gross income of a nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act is zero under subparagraph (A) of this paragraph, such individual shall not be subject to income tax filing requirements and such amounts shall not be subject to withholding.

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

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§ 5523. Duration of payments; rates; active service period

(a) * * *

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(A) whose departure *(or that of his dependents or immediate family, as the case may be)* is authorized or ordered under section 5522(a) of this title; and

* * * * * * *

The President, with respect to the Executive agencies, may extend the 60-day period *thereafter in 30-day increments, up to a total evacuation period of no more than 270 days* [for not more than 120 additional days] if he determines that the extension of the period is in the interest of the United States.

* * * * * * *

§ 5551. Lump-sum payment for accumulated and accrued leave on separation

(a) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is separated from the service or elects to receive a lump-sum payment for leave under section 5552 of this title, is entitled to receive a lump-sum payment for accumulated and current accrued annual or vacation leave to which he is entilted by statute. The lump-sum payment shall equal the pay *or, for service as part of a tour of duty or extension thereof commencing on or after the effective date of the Foreign Relations Authorization Act, Fiscal Year 1990, the basic pay,* the employee or individual would have received had he remained in the service until expiration of the period of the annual or vacation leave. The lump-sum payment is considered pay for taxation purposes only. The period of leave used for calulating the lump-sum payment shall not be extended due to any holiday occurring after separation.

* * * * * * *

§ 5922. General provisions

(a) * * *

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(c) The allowances and differentials authorized by this subchapter shall be paid under regulations prescribed by the President governing—

(1) payments of the allowances and differentials and the respective rates at which the payments are made:

(2) the foreign areas, the groups of positions, and the categories of employees to which the rate apply; and

(3) other related matters.

(d) When a quarters allowance or an allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings unde section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post, notwithstanding the employee's death.

(e) When an allowance related to education away from post under this subchapter would be authorized to an employee but for the evacuation/authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing any dependent child of such employee to complete the current school year.

§ 5923. Quarters allowances

When Government owned or rented quarters are not provided without charge for an employee in a foreign area, one or more of the following quarters allowances may be granted when applicable;

(1) A temporary [lodging] *subsistence* allowance for the reasonable cost of temporary quarters *including meals and laundry expenses* incurred by the employee and his family—

(A) for a period not in excess of [3 months] *90 days* after first arrival at a new post of assignment in a foreign area or a period ending with the occupation of residence quarters, whichever is shorter; and

(B) for a period of not more than [1 month] *30 days* immediately before final departure from the post after the necessary evacuation of residence quarters.

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§ 5924. Cost-of-living allowances

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

(1) A post allowance to offset the difference between the cost of living at the post of assignment of the employee in a foreign area and the cost of living in the District of Columbia, *except that employees receiving the temporary subsistence allowance under section 5923(1) of this title are ineligible for receipt of a post allowance under this paragraph.*

(2) A transfer allowance for extraordinary, necessary, and reasonable, *subsistence and other relocation* expenses *(including unavoidable lease penalties),* not otherwise compensated for, incurred by an employee incident to establishing himself at a post of assignment in—

(A) a foreign area (including costs incurred in the United States, its territories or possessions, the [Commonwealth of Puerto Rico] *the Commonwealth of the Northern Mariana Islands or the Commonwealth of Puerto Rico* or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements prior to departure for a post of assignment in a foreign area); or

(B) the United States [between assignments to post in foreign areas] *after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned.*

* * * * * * *

(4) An education allowance or payment of travel costs to assist an employee with the extraordinary and necessary expenses, not otherwise compensated for, incurred because of his service in a foreign area or foreign areas in providing adequate education for his dependents, *or, to the extent education away from post is involved, official assignment to serve in such area or areas,* as follows:

(A) An allowance not to exceed the cost of obtaining such *pre-school for handicapped children ages three to five years,* kindergarten, elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States, plus, in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the nearest locality where adequate

schools are available, without regard to section 3324 (a) and (b) of title 31. The amount of the allowance granted shall be determined on the basis of the educational facility used.

(B) The travel expenses of dependents of an employee to and from a school in the United States to obtain an American secondary or [undergraduate college] *postsecondary (but not graduate or postgraduate) educational institution* education, not to exceed one annual trip each way for each dependent. An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival in the United States for secondary education under authority contained in this subparagraph (B). Notwithstanding section 5921(6) of this title, travel expenses, for the purpose of obtaining [undergraduate college] *postsecondary (but not graduate or postgraduate) education institution* education, may be authorized under this subparagraph (B), under such regulations as the President may prescribe, for dependents of employees who are citizens of the United States stationed in the Canal Zone.

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Sec. 8345. Payment of benefits; commencement, termination, and waiver of annuity.

(a) * * *

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(k) * * *

(l) Transfers of contributions and deposits authorized by section 408(a)(3) of the Foreign Service Act of 1980 shall be deemed to be a complete and final payment of benefits under this chapter with respect to the employee's funds thus transferred.

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Sec. 9101. Criminal history record information for national security purposes.

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(b)(1) Upon request by the Department of Defense, the Office of Personnel Management, the Central Intelligence Agency, *the Department of State,* or the Federal Bureau of Investigation, criminal justice agencies shall make available criminal history record information regarding individuals under investigation by such department, office, agency, or bureau for the purpose of determining eligibility for (A) access to classified information or (B) assignment to or retention in sensitive national security duties. Such a request to a State central criminal history record repository shall be accompanied by the fingerprints of the individual who is the subject of the request if required by State law and if the repository uses the fingerprints in an automated fingerprint identification system. Fees, if any, charged for providing criminal history record information pursuant to this subsection shall not exceed the reasonable cost of providing such information, nor shall they in any event exceed

those charged to State or local agencies other than criminal justice agencies for such information.

* * * * * * *

(3)(A) Upon request by a State or locality, the Department of Defense, the Office of Personnel Management, the Central Intelligence Agency, *the Department of State,* or the Federal Bureau of Investigtion shall enter into an agreement with such State or locality to indemnify and hold harmless such State or locality, and its officers, employees and agents, from any claim against such State or locality, or its officer, employee or agent, for damages, costs and other monetary loss, whether or not suit is instituted, arising from the disclosure or use by such department, office, agency or bureau of criminal history record information obtained from the State or locality pursuant to this subsection, if the laws of such State or locality, as of the date of enactment of this section, otherwise have the effect of prohibiting the disclosure of such criminal history record information to such department, office, agency or bureau.

(B) When the Department of Defense, the Office of Personnel Management, the Central Intelligence Agency, *the Department of State,* or the Federal Bureau of Investigation and a State or locality have entered into an agreement described in subparagraph (A), and a claim described in such subparagraph is made against such State or locality, or its officer, employee, or agent, the State or locality shall expeditiously transmit notice of such claim to the Attorney General and to the United States Attorney of the district embracing the place wherein the claim is made, and the United States shall have the opportunity to make all determinations regarding the settlement or defense of such claim.

* * * * * * *

(c) The Department of Defense, the Office of Personnel Management, the Central Intelligence Agency, *the Department of State,* or the Federal Bureau of Investigation shall not obtain criminal history record information pursuant to this section unless it has received written consent from the individual under investigation for the release of such information for the purposes set forth in paragraph (b)(1).

(d) The authority provided under this section with respect to the Department of State may be exercised only so long as the Department of State continues to extend to its employees and applicants for employment, at a minimum, those procedural safeguards provided for as part of the security clearance process that are currently available pursuant to section 163.4 of volume 3 of the Foreign Affairs Manual.

TITLE 8—ALIENS AND NATIONALITY

* * * * * * *

(33) Any alien who during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with—

(A) the Nazi government in Germany,

(B) any government in any area occupied by the military forces of the Nazi government of Germany,

(C) any government established with the assistance or cooperation of the Nazi government of Germany, or

(D) any government which was an ally of the Nazi government of Germany.

ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion[.] ; and

(34)(A) Any alien who has committed in the United States any serious criminal offense, as defined in subparagraph (B), for whom immunity from criminal jurisdiction was exercised with respect to that offense, who as a consequence of the offense and the exercise of immunity has departed the United States, and who has not subsequently submitted fully to the jurisdiction of the United States with respect to that offense.

(B) For purposes of this paragraph, the term "serious criminal offense" means—

(i) any felony;

(ii) any crime of violence as defined in section 16 of tittle 18 of the United States Code; or

(iii) any crime of reckless driving or of driving while intoxicated or under the influence of alocohol or of prohibited substances when that crime involves personal injury to another.

* * * * * * *

(h) Nonapplicability of subsection (a)(9), (10) (12), or (23)

Any alien, who is excludable from the United States under paragraph (9), (10), or [or (12)] , (12) or (34) of subsection (a) of this section or paragraph (23) or such subsection as such paragraph relates to a single offense of simple possession of 30 grams or less of marihuana, who (A) is the spouse of child, including a minor unmarried adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or (B) has a son or daughter who is a United States citizen or an alien lawfully addmitted for permanent residence, shall, of otherwise admissible, be issued a visa and admitted to the United States for permanent residence (1) if it shall be established to the satisfaction of the Attorney General that (A) the alien's exlcusion would result in extreme hardship to the United States citizen or lawsfully resident spouse, parent, or son or daughter of such alien, and (B) the admission to the United States of such alien would not be contrary to the national welfare, safety or security of the United States; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and precedures as he may be regulations prescribe, has consented to the lien's applying or reapplying for a visa and for admission to the United States.

Title 22—Foreign Relations and Intercourse

* * * * * * *

§ 277a. Investigations of commissions; construction of works or projects

The Secretary of State, acting through the American Commissioner, International Boundary Commission, United States and Mexico, is further authorized to conduct technical and other inves-

tigations relating to the defining, demarcation, fencing, or monumentation of the land and water boundary between the United States and Mexico, to flood control water resources, conservation, and utilization of water, sanitation and prevention of pollution, channel rectification, [and stabilization] *stabilization, drainage of transboundary storm waters,* and other related matters upon the international boundary between the United States and Mexico; and to construct and maintain fences, monuments and other demarcations of the boundary line between the United States and Mexico, and sewer systems, water systems, and electric light, power and gas systems crossing the international border, and to continue such work and operations through the American Commissioner as are now in progress and are authorized by law.

The President is authorized and empowered to construct, operate, and maintain on the Rio Grande River below Fort Quitman, Texas, any and all works or projects which are recommended to the President as the result of such investigations and by the President are deemed necessary and proper.

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§ 277b. Works or projects; construction under treaty with Mexico; operation, maintenance and supervision

(a) The President is further authorized *(1)* to construct any project or works which may be provided for in a treaty entered into with Mexico and to repair, maintain, or complete works now existing or now under construction or those that may be constructed under the treaty provisions aforesaid; and to construct any project or works designed to facilitate compliance with the provisions of treaties between the United States and Mexico; [and (b)] *(2)* to operate and maintain any project or works so constructed or, subject to such rules and regulations for continuing supervision by the said American Commissioner or any Federal agency as the President may cause to be promulgated, to turn over the operation and maintenance of such project or works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the President may deem appropriate; *and (3) to carry our preliminary surveys, operations, and maintenance of the interceptor system constructed to intercept sewage flows from Tijuana from selected canyon areas.*

(b) Expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions made with respect to that project in the first undesignated paragraph under the heading "INTERNATIONAL OBLIGATIONS" contained in the Act of April 25, 1945 (59 Stat. 89).

(c) The Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of the United States for such portions

of the dam as shall have been allocated to such purposes by the Secretary of State.

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§ 277d–12. Expenditures for flood fighting, rescue operations, repairs or restoration of flood control works threatened or destroyed by floodwaters of Rio Grande

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On and after June 20, 1956, in addition to the funds available under the appropriation "Rio Grande emergency flood protection", the United States Commissioner is authorized to expend from any appropriation available to the International Boundary and Water Commission, United States and Mexico, American Section, such sums as may be necessary for prosecution of emergency flood fighting and rescue operations, repairs or restoration of any flood control or sanitation works threatened or destroyed by floodwaters of the Rio Grande, *the Colorado or Tijuana Rivers, and for taking emergency actions to protect against health threatening sanitation problems by repairing or replacing existing capital infrastructure along the United States-Mexico Boundary.*

* * * * * * *

§ 2871. Congressional findings and declaration of purpose

The Congress hereby finds and declares—

* * * * * * *

(5) that in order to provide an effective instrumentality for the continuation of assistance to RFE/RL, Incorporated and to encourage a constructive dialog with the peoples of the Union of Socialist, Republics, Eastern Europe, and Afghanistan [(as long as it is under Soviet occupation),] *(until the government in Kabul is replaced by a government achieved through a free act of self-determination)*, it is desirable to establish a Board for International Broadcasting.

§ 2877. Funding requirements; authorization of appropriations; foreign currency exchange rate fluctuations and overseas wage and price changes; availability and obligation of amounts; merger and availability of excess amounts

(a)(1) There are authorized to be appropriated to carry out the purposes of this chapter—

[(A) $186,000,000 for fiscal year 1988 and $207,424,000 for fiscal year 1989; and.]

(A) $180,330,000 fiscal year 1990; and

* * * * * * *

(3) There are authorized to be appropriated to the Board for International Broadcasting for radio transmitter construction and modernization $23,917,000 for fiscal year 1990.

[(3)] (4) Amounts appropriated under this subsection are authorized to be made available until expended.

* * * * * * *

[Sec. 4192. Solemnization of marriages

[Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such consular officers shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificate shall specify the names of the parties, their ages, places of birth, and residence.]

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Title 39—Postal Service

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Sec. 406. Postal services at Armed Forces installations *and diplomatic posts abroad*

(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed [Forces and] *Forces,* at defense or other strategic installations, and at diplomatic posts abroad.

(b) The Secretaries of Defense, *States,* and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

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Sec. 3401. Mailing privilege of members of Armed Forces of the United States and of friendly foreign nations *and United States Government employees assigned to United States diplomatic missions abroad*

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(e) The Department of Defense *and the Department of State* shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to [the Department of Defense] *these agencies,* as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices *or diplomatic posts abroad* established under section 406 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office *or diplomatic post abroad.*

(f) This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense or the *Secretary* of State jointly may prescribe.

(g) The authority provided in this section shall be exercised with respect to diplomatic posts only to the extent that the total cost of

postal service provided by the Department of State pursuant to such authority does not exceed the total cost of postal service that would be incurred by the Department of State in the absence of such authority.

ADDITIONAL VIEWS OF SENATOR JESSE HELMS

Elimination of Expedited Procedures for Consideration of Resolutions of Disapproval

One of the most disappointing actions of the committee relates to the proposed diminution of the Senate's authority in considering resolutions of disapproval in the case of countries that are major drug-producing or major drug-transit countries.

In 1986, a remarkable consensus emerged in Congress to initiate broad action to fight the war on drugs, culminating in the enactment of the Anti-Drug Abuse Act of 1986, P.L. 99-570. Now, sadly, the committee has undermined that consensus.

One component of the 1986 consensus was the International Narcotics Control Act of 1986, title II of the omnibus bill, which included a significant strengthening of U.S. commitment to fighting the spread of narcotics internationally, specifically through reductions in foreign aid to any country determined to be a major illicit drug producing country or major drug-transit country. The significance of an existing annual report on narcotics was increased because that report would serve as the basis for continued U.S. assistance. The 1986 law required that countries found to be major illicit drug producing countries or major drug-transit countries could retain full U.S. foreign aid funding only if the President determined that those countries had "cooperated fully" with the United States. Expedited procedures were established to decertify countries in cases where the Congress disagreed with the President's determinations. These procedures were modeled on those that apply with respect to arms sales—that is, the full Senate would have an opportunity to vote on a resolution of disapproval, regardless of whether the Committee on Foreign Relations voted to report such a resolution.

The Senate has disagreed with the President's determinations on two occasions—on Panama, by a vote of 51-38, in 1987, and on Mexico, by a vote of 63-27 in 1988. The Senate has voted on, but defeated, three resolutions of disapproval for the Bahamas and, in 1987, for Mexico. While both measures passed the Senate, the House took no action, thereby upholding the President's determinations.

Now we find that advocates for the countries that have been scrutinized and found lacking by the Senate are attempting to weaken the important efforts undertaken by the anti-drub abuse legislation. Specifically, the committee's bill includes a provision that would eliminate the expedited procedures uinder which the Senate has worked during 1987, 1988, and 1989. Under the committee's provision, expedited action by the full Senate could take place only if a resolution of disapproval were reported favorably by the Foreign Relations Committee. In other words, the committee bill provides that the Foreign Relations Committee can kill future reso-

lutions of disapproval without allowing the full Senate a chance to consider the issue.

The brief history of the provision demonstrates that the Foreign Relations Committee and the full Senate may reach different conclusions on whether certain countries meet the standard of cooperating fully with the United States. These differences underscore the need to continue to allow full Senate consideration of these resolutions.

There is often a tendency in committee for Senators to minimize the failures of countries with which they have a close relationship. Thus, for instance, we find that the chairman and other members of the Western Hemipshere Subcommittee have tended to overlook the deficiencies in the cooperation provided by Panama and Mexico.

In 1987, the committee voted 15-4 against a resolution of disapproval of Panama, but the full Senate approved the same resolution 31-58. Similarly, in 1988, the committee voted against a resolution of disapproval of Mexico, but the full Senate approved the same resolution 63-27.

We have also had occasions when the full Senate reversed the committee's judgment when the committee believed a country has failed to cooperate fully. For instance, in 1988, the committee approved a resolution of disapproval for the Bahamas, but the full Senate defeated the resolution, 40-53.

On other occasions, the full Senate has upheld the judgment of the committee that resolutions of disapproval were not warranted. In 1987, the full Senate tabled resolutions of disapproval for Mexico, 43-38, and the Bahamas, 54-34 that the committee has opposed.

Earlier this year, the Senate voted 40-57 against a resolution of disapproval for the Bahamas, a resolution which has not been voted on by the committee. The Senate was called upon to act this year on a resolution of disapproval for Mexico which I sponsored and which the committee voted against.

To eliminate the existing structure of expedited procedure is a serious erosion of the Senate's capacity to examine the degree to which countries have cooperated fully—and, if necessary, to override the recommendation of its Foreign Relations Committee.

Advocates of the change note that the Senate Committee on Foreign Relations is the only congressional committee subject to the expedited consideration. This is because the drug provisions parallel the expedited consideration applicable in the case of arms sales. The House Foreign Affairs Committee does not have similar procedures, nor do the Senate Finance Committee or House Ways and Means Committee which share jurisdiction over trade sanctions which could be triggered. However, if there is a perceived inequity, the method for addressing it more responsibly would be to increase the expedited procedures applicable to other Senate and House Committees, not repeal those applicable to the Foreign Relations Committee.

Concern over the ramifications of our international narcotics control program is bipartisan or nonpartisan. The failure to address drug trafficking effectively will be evident in each of our States as more and more of our citizens suffer the consequences of

drug abuse. We must do all we can to provide incentives for countries that receive foreign aid to cooperate with our efforts and penalties—such as the loss of such aid—when they fail to do so.

Moscow Embassy

The United States needs a secure, safe embassy in the capital of the Soviet Union. As all in Congress know, this country does not have one, and the bulk of expert opinion is that the Moscow chancery—riddled with Soviet bugging technology—ought to be bulldozed.

This was the position approved by Senate in an amendment offered by Senator Symms in 1987. The overwhelming will of the Congress was not to open the new embassy. Moreover, the Symms amendment provided that the Soviets could not use the extraordinarily desirable facilities granted them by the State Department on Mt. Alto in Washington, DC until the United States has a secure facility to use in Moscow.

But, forging ahead on its own agenda, the State Department submitted its draft authorization bill without the language of the Symms amendment. In fact, Senators will not be surprised that the State Department merely recommended another study of the embassy, bugs and all.

The committee bill, section 133, provides new language on the Moscow embassy that, while an improvement over the State Department's, still fails to return to the policy consistently adopted by the Congress.

Section 133, as reported, would keep the Soviets from occupying Mt. Alto until the President certifies that there is a safe, secure embassy in Moscow. The certification also requires that all feasable steps be taken, now or in the future, to eliminate damage to national security due to electronic spying from Mt. Alto. The fact is that the Soviets are already occupying Mt. Alto, and microwaves are bombarding all of us at this moment from their spy headquarters.

A second part of section 133 says the embassy agreement between America and the Soviets should end unless Mt. Alto does not pose a significantly greater threat to U.S. national security than the potential or actual threat from the Soviets at their old embassy on 16th Street. This is gobbledegook worthy of Foggy Bottom.

The clincher is that the President can waive everything if the President determines it is in the vital national security interest of the United States to do so. Let's consider that a moment. If the President makes such a determination, he can permit the United States to move into a bugged embassy in Moscow and he can permit the Soviets to move into the Mt. Alto listening post.

The language, as reported, is practically as permeable as the walls and ceilings of the new embassy compound in Moscow. It is better than another study, but it has the same result: American might be stuck with an unsafe, insecure embassy while Soviet moving vans are permitted to roll into Mt. Alto.

The Senate was right to approve the Symms language in 1987, and the Senate must act again to make sure that a international security scandal is stopped.

Bloated Spending for the United Nations

The committee faced a formidable undertaking in melding the competing goals of an appropriate level of funding for U.S. foreign policy operations during the coming year while complying with the parameters of the bipartisan budget agreement.

The bill continues to reflect a tilt toward U.S. funding for the United Nations to the exclusion and detriment of other U.S. interests which demand a high priority. While improvements were made in a number of areas, serious shortcomings remain.

Most notable is the bill's 60-percent increase in funding for the U.S. contributions to international organizations. Granted, the administration requested such an increase. But obviously all of the figures have to be revisited in light of the budget summit agreement and the budget resolution. Instead, the committee accepted this request while reducing many other aspects of the budgets for the State Department, USIA, and the Voice of America.

Some of the funds provided for "Contributions to International Organizations" should be transferred to the State Department "Salaries and Expenses" account. If we must choose between the U.S. bureaucracy and the U.N. bureaucracy, surely our relative priority should be to fund U.S. personnel who are under direct congressional oversight.

At a minimum, it is my understanding that the Secretary would accept a stretch-out of U.S. arrearage payments to the U.N. Approximately $45 million in the committee bill represents payments on arrearages to the United Nations. The committee was advised during mark-up that the Secretary would support halving this amount in order to fund increases in State's overall operating budget. I shall propose such an amendment on the Floor. Needless to say, the Secretary concurs that U.S. diplomatic efforts should take precedence over international ones.

There are two underlying issues in U.N. funding. The first is whether spending priorities are appropriate relative to other needs of the Secretary in the conduct of foreign policy, as discussed above.

The second is whether the basis for the increased funding of the U.N., recommended by the administration, has in fact been achieved.

For background, it is important to review the false claim that the United States owes half a billion dollars to the United Nations in "arrearages" on our contributions to that organization.

Internally, the United Nations became a nest of Soviet spies, designated—or "seconded", in U.N. parlance—from their jobs in gulag management agencies to supervise the growing international body and its affiliated agencies. The budget, and budget abuses, skyrocketed.

Through it all, the insistent drumbeat was anti-Western, and anti-American. Finally, in 1985, Congress had had enough. In that year, Congress adopted an amendment by Senator Kasseabum to provide that the United States would withhold certain U.N. contributions until the President certified that the budget had been tightened, costs cut, and administration had been improved.

The U.N. payroll had become a haven for Soviet Bloc spies and general featherbedding. So the Kassebaum amendment signalled that the personnel system should change fundamentally. These reforms were to include a serious U.N. effort to end secondment. Finally, the issue of spies in the international organization was tackled directly.

For several years during Ronald Reagan's Presidency, especially during the tenure of Ambassador Jeane J. Kirkpatrick and Assistant Secretary of State Alan L. Keyes, the United States spoke and acted to compel reform with the strong backing the Kassebaum amendment provided.

In the last year of the Reagan administration, however, a tornado of change struck what had been a sound, consistent U.S. policy for U.N. reform. Unbelievably, U.N. rhetoric was now believed. Suddenly reform had been achieved, if we could believe the propaganda.

Indeed, the administration certified that the United States had achieved its goals. The U.N. had reformed, enough, if you believe it, that American taxpayers could again cough up the full 25 percent of the U.N.'s budget this country has been burdened to pay. The administration stated that the United States would fund fully its so-called assessments and also pay every dime of so-called arrearages—i.e., those amounts withheld during the implementation of the Kassebaum amendment.

Every Senator who supported the Kassebaum amendment must ask a simple question. Have U.S concerns, as expressed in the Kassebaum amendment, been totally corrected, or only partially addressed? Do we agree that enough real change has occurred at the United Nations to burden the citizens of the States we represent with an enormous bill marked "past due" by international organizations and the international bureaucrats so dependent on it?

WHAT "FULL FUNDING" OF UNITED NATIONS ASSESSMENTS MEANS

The Bush administration sent up a budget request for almost a $229 million increase in contributions to international organizations. There is also an increase of just over $82 million for peacekeeping activities. This adds up to $311 million and represents a 61 percent increase over the fiscal year 1989 appropriated level.

Increased contributions would mean a windfall to the United Nations and its affiliated agencies. The Food & Agriculture Organization would receive more than a 145.4 percent increase in funding, while the International Labor Organization would get a little over 86.6 percent more. The U.N. headquarters itself would receive an increase of 42.7 percent.

The enormity of these increases is staggering. They represent the kind of increases that, within our own country, would only be justified in time of war.

U.S. "ARREARAGES" TO THE UNITED NATIONS

In addition to paying our full assessment, however, the budget commits the United States to "arrearages"—that is, the amounts that had been withheld during the implementation of the Kassebaum amendment. These are payments that the United Nations

has lived without over the years because, for sound policy reasons, the United States has refused to pay assessments for unsound programs.

According to the State Department's Budget in Brief, there is a total $572,410,277.00 that the United States owes in so-called arrearages. Half a billion dollars, and change.

To quote that document, "In making these payments, the United States will hold the organizations accountable for the use of these funds in advancing the interests of the United States and all member states." The lack of logic is daunting—the United States withheld payments under the Kassebaum amendment, and consistent with early Reagan administration policy, in order to protect American interests and assure reform. Now we can dump in a 61% increase in assessments and another half billion dollars in order to accomplish the same end.

The State Department proposes to begin whittling down this gargantuan sum with a down payment in this bill of $46,122,000.00. It says, "This partial payment demonstrates U.S. commitment to, and support for, restoring financial stability in the multilateral system and is designed to strengthen the U.N. and other international organizations."

The Budget in Brief provides a graph of the proposed schedule for repaying so-called arrearages. In it, payments of $100 million or more would be required in fiscal years 1991–94 on this account alone.

During the committee's extended mark-up of this bill, the State Department found it needed some funds to complete some of its own projects. In order to do this, Secretary Baker approved a $23 million cut from the $46 million scheduled for arrearages in this bill.

This is proof positive that, even in Foggy Bottom, there is some incredulity about U.N. full funding, and especially arrearages.

Surely, as the Senate acts on this legislation, United Nations funding can be further pared down.

UNITED NATIONS REFORM

The U.S. Government is not permitted to perform audits or otherwise inspect the U.N.'s books. How can this committee, or the State Department be sure of the way the U.N. budgets and spends funds—including our contribution?

U.N. Ambassador Thomas Pickering is vague on the subject. He says there is now a "consensus budget" to protect American interests—without specifying those interests. This is supposed to soothe congressional and public worries on one of the major concerns that caused the adoption of the Kassebaum amendment.

Yet Mr. Pickering and the State Department know that the so-called consensus budget cycle has never run its course, even once. Until one or more of these budgets has been fully implemented and evaluated by the United States, accepting this aspect as reform is a mere wish.

What is a consensus budget? How is that different from a family budget or the U.S. Government budget?

Going back to the State Department's Budget in Brief, there is this statement "Membership in international organizations benefits the United States in the following ways: (1) gaining support for U.S. values, interests and policies in the U.N., building U.S. coalitions in the U.N. and the specialized agencies, and pursuing multilateral programs and activities which advance U.S. interests and the legitimate goals of the U.N. system."

How can Congress or the American people know this until there has been a trial run?

Full funding of the U.N. tells the world that the United States is accepting it—warts and all. Some of us believe that judicious withoulding of funds is both right and effective—and should continue until real reform, as originally sought, has been achieved.

One of the key issues the United States insisted upon as a U.N. reform was a cut in the bloated number of personnel. There has been a cut of about 12% in total positions. How did this cut occur? Were people fired, allowed to retire early, or what? Were the positions cut across the board, at the top, or mostly in the lower pay grades? These questions must be answered before full funding begins to make sense.

Another area of U.N. reform Congress expected it to accomplish was secondment of foreign nationals, expecially Soviet Bloc personnel. A State Department report issued on May 3, 1989 states that "Obtaining a truly independent international civil service has been a high priority issue for the United States." Has reform been achieved, or even begun in a sincere manner? Or are the Soviets still abusing the system as was our concern in adopting the Kassebaum amendment? The report continues, "one Soviet national is on long-term contract; two more have received and accepted long-term contracts, and another five offers of long term contracts have been extended to Soviet nationals."

The Soviet Union has 183 of 234 employees, many at senior levels, seconded to the U.N. (78.2% of those seconded are Soviets). Even with the most generous interpretation we must concluded that only 7 of the 183 have switched or may be in the process of switching to long-term contracts.

The May State Department report rationalizes this as follows, "It is still too early to see drastic changes in the numbers of Soviet and Soviet-bloc nationals on long-term contracts." In short, the secondment element of U.N. reform is still at the starting line and it is much too early to declare victory on that score and begin pumping in U.S. taxpayer dollars to support full funding on that ground.

Congress was very concerned about the huge number of Soviet nationals who work at the United Nations. How many Soviet nationals left the United Nations during the period when the U.S. withheld some of its contributions? Have enough Soviets left for the State Department to call for full funding?

Many observers continue to be concerned about the enormous percentage of Soviet nationals at the U.N. with affiliations to intelligence or secret police agencies. The underlying question which remains unanswered is whether the number of seconded employeed has decreased—and by how much—during the period the United States withheld funds?

Have enough Soviet spies left for the State Department to justify a call for full U.N. funding? This is the third vital element of U.N. rerform called for in the Kassebaum amendment and, to put it mildly, the jury is still out on the matter.

The State Department's bold plan to pay a full 25% U.N. assessment and half a billion dollars in alleged arrearages makes little sense. There is little, if any, hard data to support the notion that real reform has begun, let alone that it has been completed.

VOICE OF AMERICA RADIO CONSTRUCTION

One aspect of the Committee bill which is neglected—predominantly because of the excessive U.N. spending—is the urgent need to modernize our public diplomacy capabilities. At a time when many international polls show Soviet leader Mikhail Gorbachev to be as popular as President Bush, and Chinese students are relying heavily upon the transmissions of Voice of America, the United States must pay close attention to its public diplomacy effort. Unfortunately, the United States' international broadcasting system is generally below modern international standards and outdated.

Consequently, the administration has undertaken an important Voice of America modernization program. An important component of the program is to permit VOA construction of facilities in Morocco and Thailand. These new facilities will augment VOA's capacity to target North Africa, Eastern Europe, South and East Asia, and supplement coverage in the Soviet Union.

The administration had requested $89 million. These capital costs are one-time infusions which will reap dividends in the long term.

The proposed funding level of $36 million in the committee bill—a little more than one-third of the requested amount—would significantly restrict the modernization program. The long-term effect would be to reduce worldwide coverage and force a reduction in the number of language services. Postponing these expenditures will add to the overall costs, underscoring the need to proceed.

As noted earlier, significant progress was made in improving the priorities in the bill. However, further improvements will need to be done by the full Senate. It is to be hoped that this will include greater attention to radio construction and U.S. diplomatic needs and less on the funding of the United Nations.

JESSE HELMS.

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